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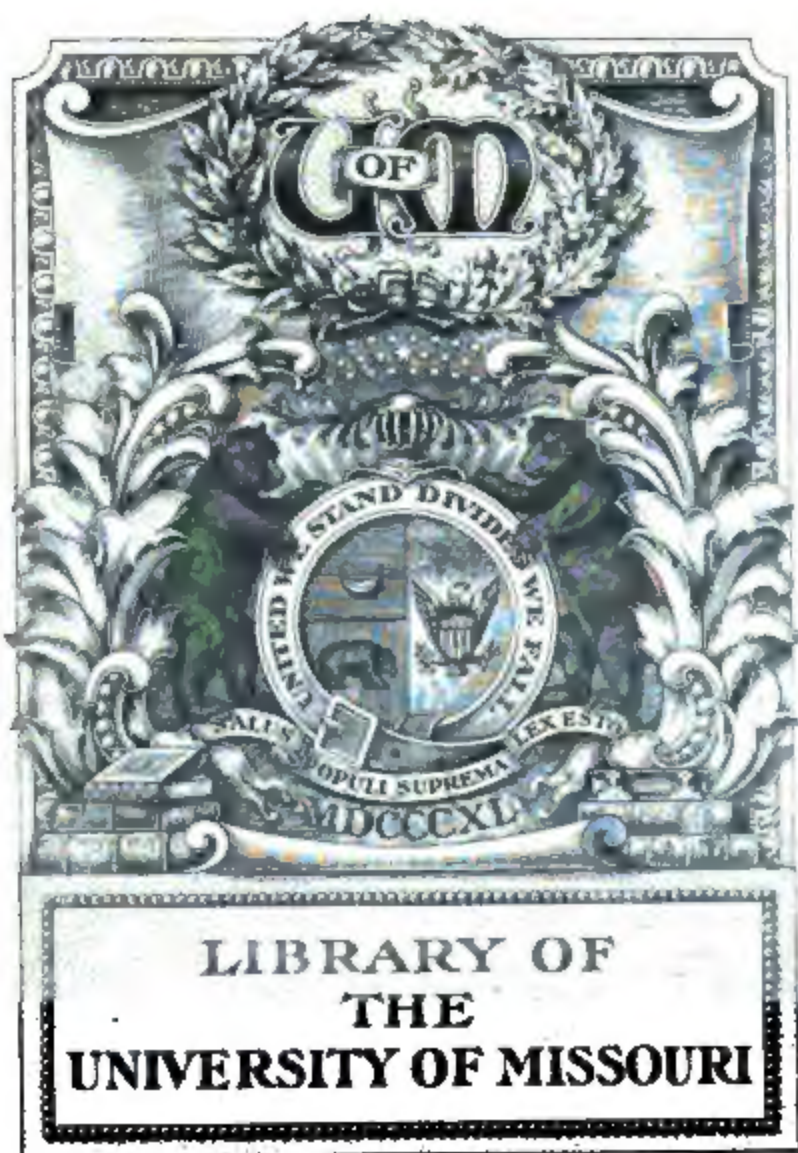
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# BURTON'S HISTORY OF SCOTLAND.

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## EXTRACTS FROM REVIEWS.

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### Saturday Review.

"One of the completest histories that we ever saw of any country..... Mr Burton's merits as a historical writer are great..... When he has to deal with the great case of Queen Mary, his treatment of the subject becomes a model of argument, at once clear and powerful, but at the same time never overstepping the bounds of the judicial function of the historian. This last portion is the gem of Mr Burton's book..... We confess that, great as were the merits which we saw in Mr Burton's book throughout, yet the earlier portions did not lead us to expect anything like the impressive grandeur of this last chapter."

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**EXTRACTS FROM REVIEWS—Continued.**

and debate. After Mr Froude's glowing eulogiums on the reign of Elizabeth, and his bitter and one-sided pictures of her hapless opponent Mary, it is pleasant to turn to these calm and impartial records, and gather for ourselves a truthful picture of real events; of actors in the great and tragical drama, such as we feel to be true portraits, undistorted by exaggeration, or by any leaven of prejudice. And Mr Burton's treatment of this portion of his history is but a type of the manner in which he handles all its prominent points."

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WILLIAM BLACKWOOD & SONS, EDINBURGH AND LONDON.

# HISTORY OF SCOTLAND





THE  
HISTORY OF SCOTLAND

FROM AGRICOLA'S INVASION TO THE  
EXTINCTION OF THE LAST  
JACOBITE INSURRECTION

BY  
JOHN HILL BURTON, D.C.L.

HISTORIOGRAPHER-ROYAL FOR SCOTLAND

NEW EDITION

IN EIGHT VOLUMES

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1898



## CONTENTS OF EIGHTH VOLUME.

---

### CHAPTER LXXXIV.

#### DARIEN AND THE AFRICAN COMPANY.

PAGE

Union of 1707 the next epoch—Concurrence of events towards it —A demand for restoration of the trading privileges with Eng- land, the prevalent influence—Rise of a separate party called the Patriotic—Its leader, Fletcher of Saltoun—His proposals for the benefit of the poor by predial slavery—Offensive prev- alence of enslaving notions at that period—Kidnapping—The colliers—Fletcher promulgating his sentiments in London society—The great companies in England and their trading privileges and monopolies—William Paterson and his projects —A secure currency and free trade—The suggestion of the African or Darien Company—The temptation of the English capitalists—The Act passed—The Company established—Its vast projects, . . . . .	139
---	-----

### CHAPTER LXXXV.

#### DARIEN AND THE UNION.

The colonising projects of the African Company—Paterson's idea  
of a free port for all the world in the Isthmus of Panama—  
Darien chosen as the site of a colony—The departure of the  
fleet—The settlement—Mismanagement—Claims of the Span-



iards—The Scots treated as buccaneers—Collision with the European policy of England—Calamities to the first colony—The second expedition—A visitation of clergy—Attacks by Spain—A victory over the Spaniards—Final surrender and calamities—The effect of the whole on the temper of Scotland—The king's difficulties—His death—Miscellaneous measures of his reign—Banking system of Scotland established—Law of bankruptcy—Parish school system perfected—The Scots Habeas Corpus Act—Act for the prevention of the growth of Popery—The trial and execution of Aikenhead, . . . 40-78

## CHAPTER LXXXVI.

### THE TREATY OF UNION.

Queen Anne—A new Ministry—Question of a Union renewed—England and the trade privileges still in the way—The new Parliament—The ceremonial of the Riding—The business—The Queensberry Plot—Lovat—Ferguson the Plotter—Athole—The Act of Security abjuring the English settlement of the crown—Refused the touch of the sceptre—Passed again and accepted by the Crown—Preparations for war between England and Scotland—Seizure by England of one of the African Company's vessels—Retaliation—The trial and execution of Captain Green—Necessity for England conceding the privileges of trade—Commissioners appointed to negotiate a Union—Their proceedings—Taxation, representation, coinage—Compensation for the losses of Scotland, . . . 79-135

## CHAPTER LXXXVII.

### THE UNION.

The treaty—The Union first dealt with by the Scots Parliament—Feeling of the country—The moderate Presbyterians—The Cameronians—The Jacobites—Business begun—Expectations of the Jacobites—Their attempts to rouse the populace—A public fast—Position of the Church—Beginning of the contest—Belhaven—The first decision—The clauses passed—Opinion

out of doors—Riot in Glasgow—The Jacobites and the Cam- eronians — Assemblage of the county gentlemen — Act of Security—Last attempt to defeat the Union—Conduct of the Duke of Hamilton—The treaty passes the Estates—Inquiry into the statements that the Scots supporters of the Union were bribed—Concluding arrangements of the Scots Estates— —The treaty in the English Parliament—How carried—Con- clusion, . . . . .	136-197
--	---------

## CHAPTER LXXXVIII.

### QUEEN ANNE.

French descent—Too late—Its fate—Negotiations—Immediate working of the Union—Disputes about Customs duties—The new Revenue system in Scotland—Supplementary extension of English institutions to Scotland in the Court of Exchequer— Justices of Peace and treason laws—Abolition of the Privy Council—Parliament and the Scots members—English Rev- enue officers bring over the Prayer-book—The Episcopalians and Jacobitism—The Act of Toleration—The abjuration oath —The Nonjurors among Episcopalians and the Nonjurers among Presbyterians—The Act restoring Patronage—The Covenanters again—Jacobite prospects—Death of Queen Anne, . . . . .	198-249
---	---------

## CHAPTER LXXXIX.

### MAR'S INSURRECTION.

The Hanover dynasty—George I.—External quietness of Scot- land—Elements of danger—The Earl of Mar—His proffers to King George—Their reception—His journey to Scotland—The gathering of the Jacobites—Geographical analysis of their strength—Government preparations for defence—Presbyterian zeal for the Government—Offers of armed force—Argyle— Early incidents of the war—The MacGregors and the Loch Lomond expedition—Brigadier MacIntosh—Passage of the Forth—Attempt on Edinburgh Castle—Leith Fort—March
--

southward—Rising of Winton, Kenmure, and Nithsdale in the south—March into England—Lancashire—Foster and Derwentwater—Battle of Preston—War in the north—Sheriffmuir—Arrival and departure of the Chevalier—Breaking up, 250-328

## CHAPTER XC.

### POLITICS FROM THE '15 TO THE '45.

Disposal of the captives in the war—Difficulty of getting convictions in Scotland—Trials at Carlisle and London—Threatened invasion by Charles XII. of Sweden—Arrangements in Spain—The Earl Marischal and his brother—Battle of Glenshiel—The Jacobite Court—The Trustees—The deposition and restoration of Argyle—Secretary of State for Scotland abolished—Disposal of forfeited estates—Commissioners appointed—Their quarrel with the Court of Session—Malt-tax—Riots in Glasgow—Conflict with the Edinburgh brewers—Inveteracy of smuggling—The Porteous Mob—Measures for quieting the Highlands—Fortresses and roads—Disarming of the Highlanders—Commencement of Highland regiments, 329-378

## CHAPTER XCI.

### RELIGION FROM THE '15 TO THE '45.

The Establishment—Prospering influences of the Hanover succession—The Covenanting party—Common cause of the moderate party with the gentry—Deputation to London—Patronage—The General Assembly at feud with the local courts—Rigid discipline—Its popularity with the more zealous laymen—Justification as a successor to absolution—Dangerous hypocrites—Story of Lady Grange and her husband—Grange's projects about his sister-in-law the Countess of Mar—The Marrow controversy—Ebenezer Erskine—History of the Secession—Whitfield and "the Cambuslang Wark"—Burghers and Anti-Burghers—The Presbyterian worship—The Paraphrases—The Glassites—The Episcopalians—The College party and the Usagers—The Roman Catholics, 379-430



CHAPTER XCII.

THE INSURRECTION OF 1745-46.

The political situation—Failure of the French expedition—Prince Charles—The arrival at Eriskay—The raising of the standard—The gathering—Crossing the Highland line—Cope in the north—The march across the Forth—Capture of Edinburgh—Battle of Prestonpans—Holyrood—March into England—Retreat from Derby—Cumberland in pursuit—Affair at Clifton—Occupation of Glasgow—Battle of Falkirk—Retreat to the north—Lord Loudon and President Forbes—Lovat—Battle of Culloden—Dispersal—Question of the extent of the cruelties—The Prince's wanderings and escape—The remedial measures—Purchase of the hereditary jurisdictions, . . . 431-505

CHAPTER XCIII.

SOCIAL AND INTELLECTUAL PROGRESS.

The poverty of the country—Imperfect agriculture—Narrow trade—Impulse of the Union only beginning—Especial poverty of the gentry—Accompanied by dangerous powers—Hereditary jurisdictions—Kidnapping—The Highlanders as a distinct race—The Highland garb—Perfected by an Englishman—Condition of intellectual culture in the Lowlands—The arts—Painting and engraving—Aikman, Ramsay, Strange—Decay of national architecture—William Bruce—Gibbs—Adam—The Scots as a literary language—Allan Ramsay—The English language—Thomson—David Hume, and the resuscitation of literature, . . . 506-556



# THE HISTORY OF SCOTLAND.

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## CHAPTER LXXXIV.

### DARIEN AND THE AFRICAN COMPANY.

UNION OF 1707 THE NEXT EPOCH—CONCURRENCE OF EVENTS TOWARDS IT—A DEMAND FOR RESTORATION OF THE TRADING PRIVILEGES WITH ENGLAND, THE PREVALENT INFLUENCE—RISE OF A SEPARATE PARTY CALLED THE PATRIOTIC—ITS LEADER, FLETCHER OF SALTOUN—HIS PROPOSALS FOR THE BENEFIT OF THE POOR BY PREDIAL SLAVERY—OFFENSIVE PREVALENCE OF ENSLAVING NOTIONS AT THAT PERIOD—KIDNAPPING—THE COLLIERS—FLETCHER PROMULGATING HIS SENTIMENTS IN LONDON SOCIETY—THE GREAT COMPANIES IN ENGLAND AND THEIR TRADING PRIVILEGES AND MONOPOLIES—WILLIAM PATERSON AND HIS PROJECTS—A SECURE CURRENCY AND FREE TRADE—THE SUGGESTION OF THE AFRICAN OR DARIEN COMPANY—THE TEMPTATION TO THE ENGLISH CAPITALISTS—THE ACT PASSED—THE COMPANY ESTABLISHED—ITS VAST PROJECTS.

WHEN we have got clear of the entanglements of the Revolution settlement, and leave it as a firm established Government, we immediately become conscious in the tenor of events that we are passing onwards by inevitable steps to the incorporating Union of 1707. It gives to our history its next epoch, and its last. It virtually settled the destiny of the two realms; for the events of the subsequent forty years, picturesque as they might be, only revealed defects in the organisation, and suggested their amend-

ment. They showed that it was whole in heart, with sufficient healthy strength to conquer any symptoms of local disease or injury. The Union came through all its early dangers so sound and firm, that the mind cannot now imagine political conditions capable of breaking it, or even casting a doubt on its perpetuity.

It is the happy climax of the great romance of our history. The wanderer goaded by harsh dealing into alienation and revenge is invited back and comes. Those who should never have separated are firmly united at last; and the long story of hatreds, contests, and calamities that attend their alienation, brightens by contrast the reign of peace and prosperity that has been achieved. The epoch is not one of those that become buried in the grander events of later ages. The older it becomes the more remarkably it stands alone in its solitary dignity, a grand remembrance to ourselves—an example to the other communities of the world. That two states, the one great and the other small, should arrange and carry out a just bargain for a common government, where the representatives of both should be mixed round the same table, was a phenomenon unexampled in history; and still, old as it now is, no other states have been wise enough or strong enough to follow the example so set before them. Hence the historical conditions leading to the event have a mighty interest to all who love to watch the concurrence of political forces to some great end. The study becomes all the more instructive when it is seen, that among the most effective of the influences tending to the completion of the Union, were the efforts of those who attempted to thwart it.

It is perhaps unsafe to accept too readily a philosophy or ruling idea in historical events. Still there are in our narrative long successions of events that, in their nature and aim, are explained by what may be called a key-note. Three hundred years of vehement strife are explained by the constant maintenance of the English claim of feudal dominion over Scotland. Another period of turbulence is explained by the national protest against the forms of devotion and ecclesiastical government dictated to Scotland from England. We shall all the better understand

what is now to come by remembering that Scotland struggled for an extended commerce, and for colonial privileges, either by participation in those of England, or by a separate commercial dominion of her own. She had tasted of the fruits of open trade under the Protectorate, and the national energies were bent on their recovery. It was the age when trading jealousies and restraints had reached their climax. There was no faith in the doctrine that the richest in a group of communities is the one that excels its neighbours in open competition. The belief of each community was that all its own success must come out of the effective ruin of its neighbours. Each predominant commercial power acted as the dealer would who should oppress and pillage his neighbours until they become too poor to deal with him. England determined that Scotland should neither participate in her trading privileges nor be permitted to create a like system for herself; and on this the two countries joined issue.<sup>1</sup> This, the real spirit of the coming contest, has been imperfectly noted; in fact, the political mind of Britain was not educated up to a sense of its significance until the last remnants of the restrictive and prohibitive commercial policy were removed from our statute-book in 1846, and

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<sup>1</sup> I remember upwards of twenty years ago a talk with the great historian of the English Revolution—we were alone in my own work-room, and spoke of many things. Among others he said he believed I had been studying the Union: he was yet far off from that period, but he saw some points of difficulty. One was that although the Union was notoriously unpopular in Scotland, yet there were symptoms of pressure on the side of Scotland in its direction. He had thought whether this might be the action of the Episcopalian party to obtain protection from England, but that did not seem a satisfactory explanation. I said I believed he would find a simple solution in the urgency of the Scots for participation in the English trade, and that he would find his way to this solution in the laws of the Protectorate and those of the Restoration. I find in a short letter from him, dated 20th November 1852, immediately on returning to his own books—"I have looked into the question of the commercial relations between England and Scotland after the Restoration. You were quite right, and the subject is full of interest." How affluently he would have made the world a participator in this full interest had his days not then been numbered, can only be matter of regretful conjecture.

#### 4      DARIEN AND THE AFRICAN COMPANY.

the world has had opportunity to watch the rapid increase in the transactions and the wealth of Great Britain ever since that crisis in the national prospects. It has taught us that the mysterious fall of great communities—as Venice, Spain, Portugal, and the Hanse towns—may be due to a self-made Nemesis of greed and tyranny ; and that it need no longer be a necessary creed that political life, like organic, has its period of youth, of fulness, and of decay—that every state when it has reached a certain point of greatness must infallibly follow the law of nature, and lapse into decrepitude and extinction.

An incorporating Union would certainly not have been foretold as an event close at hand from the appearance on the political stage of a group of bold thinkers who claimed the meritorious title of the Patriotic Party. Their avowed object was to cleanse Scotland of all sources of degrading and contaminating influence on public life. Their ideas were in some measure ruled by the stoicism of the Buchanan school ; but it was not so much to further direct political acts—such as the deposition of Queen Mary or the war against Charles the First had been—as to purify the general condition of society, and substitute lofty aspirations for sordid motives. Especially it was to mould the character of the young, that Scotland might rear a generation of hardy sons, whose glory it would be to abandon all separate and selfish considerations, and devote all their energies to the welfare of their country.

Much there was throughout the whole, of the visionary and the Utopian. In some measure the ideas of the Patriots forecast the communistic and other reconstructive projects in which nations now seek relief from the miseries brought on by their fractiousness and restlessness. Yet the reaction has the freshening spirit of a new life after the conflict of tyranny, sordidness, turbulence, and fanaticism that had tossed and torn the country for generations. The Patriots could be charged with many inconsistencies. It was among their satisfactions to reflect that the country was poor and better suited than its prosperous neighbour for the rearing of the hardy virtues, yet it was the object of the Patriotic Party to make it prosperous. But

this prosperity was not to be made up of the aggregate wealth of selfish fortune-seeking citizens, but to come as a general growth of national happiness, content, and well-being.

The leader and high priest of this political reaction was Andrew Fletcher of Saltoun, a man of high genius and stern courage, governed by a haughty, independent, and unmanageable temper.<sup>1</sup> His avowed principles had a strong tincture of classical republicanism, but his habits were domineering and aristocratic ; and whatever he might have demanded of others, he was one of the last who would have willingly laid down any of the privileges he held by birth, education, or intellectual superiority. However much he would have shrunk from vulgar sacri-

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<sup>1</sup> Fletcher was not a member of the Convention Parliament. He had been outlawed as a fugitive from trial, for his active part in Monmouth's rebellion, and had to remain in comparative obscurity until he was restored, on 30th June 1690, by Act of Parliament. But a significant passage in a statesman's letter shows that he was not idle. Sir William Lockhart, writing to Lord Melville, on 11th July 1689, in giving an account of the Club, or the nucleus of the Opposition, says, at the end of his list,—“And no man, though not a member, busyer than Salton” (Melville Papers, 159). Lockhart, farther on in the same letter, says of the Opposition : “One of them said to myself that tyranny was alike wherever it was, and we were like to have as much tyranny under King William as under King James.” This is very like Fletcher. There is a well-known anecdote in which he is represented speaking of an old acquaintance as a “hereditary professor.” The expression was evidently used for effect. When the auditor expresses surprise, he says, “What say you to a hereditary king?” In portraits he is so subordinated to the gigantic wig and the other pictorial apparelment of the age, that the following brief note by a contemporary is valuable : “A low thin man of a brown complexion ; full of fire ; with a stern sour look ; and fifty years old.” We are under less obligation to the same writer for this more ambitious sketch, epigrammatic as it is : “He is a gentleman steady to his principles, of nice honour, with abundance of learning ; brave as the sword he wears, and bold as a lion ; a sure friend and an irreconcilable enemy ; would lose his life readily to serve his country, and would not do a base thing to save it. His thoughts are large as to religion, and could never be brought within the bounds of any particular set. Nor will he be under the distinction of a Whig or Tory ; saying those names are used to cloak the knaves of both.”—MS. cited by Editor of Fletcher's Works : Glasgow, 1749.

fices to his levelling principles, he readily made the sacrifices that were more heroic and tragic. Though he would have been an ungenial companion and fellow-labourer for burgesses or boors, he was ready at any time to risk life or fortune for their national independence. He had followed a life of strange adventures,—at one time fighting in Hungary against the Turks; at another, wandering in Spain among the monasteries, and collecting manuscripts about the constitution of the Cortes and the history of the Moors. He fought at Sedgemoor, and rendered his ungovernable temper memorable by seizing the Mayor of Lyn's horse, and shooting its worshipful owner dead when he remonstrated. He was a man of powerful rhetoric, endowing his republican sentiments in a chivalrous courtesy of demeanour, and easy flow of brilliant language. Altogether, few men have so united in their persons whatever was dignified in old classic patriotism, and in medieval chivalry.

It may, however, be counted a remarkable test of the little reliance then placed on the common people, that one who had liberty always on his tongue,—who reviled tyranny, absorbing riches, profuse dignities, standing armies, and all the attributes of arbitrary power,—could devise nothing but predial slavery for the humble children of the soil. He was the author of a pamphlet in favour of the restoration, or rather the establishment, of predial slavery in Scotland. The proposal was not made for the benefit of the higher classes, or for the accomplishment of any conventional selfish object, but literally for the sake of the poor people themselves, unable to bear the burden of self-support, and utterly helpless on the face of the earth, were they not in the hands of natural guardians awakened to a sense of responsibility for their preservation and comfort.<sup>1</sup> Thus, after rousing a republican feel-

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<sup>1</sup> "The condition of slaves among the ancients will, upon serious consideration, appear to be only a better provision in their governments than any we have, that no man might want the necessaries of life, nor any person, able to work, be burdensome to the commonwealth."

"When the ancients gave freedom to a slave, they were obliged to give him wherewithal to subsist, or to put him into a way of living



ing of indignation against a Cambyses or a Xerxes, a Tiberius Nero, Otho, or Domitian, he passes to the excellency of ancient servitude, and the careless content and happy comfort of those who, as property, were saved from being worthless enough to die of starvation; and who, by the provident institutions of the State in adjusting the rights and duties of their proprietors, were relieved from a precarious reliance on their own helpless efforts.

It is significant of the evil nature of the times that Fletcher's enslaving project created no surprise. While his doctrines on government had a few warm champions against a vast plurality of opponents, his project for dealing with "the working classes" of his day passed unnoticed, and we only know of it by finding it among his works.<sup>1</sup> The idea of slavery was becoming all too familiar by its practice. We have seen something of the practice of kidnapping to furnish the American planters with "apprentices," who in their hands became slaves. The practice became inveterate, and, as we shall afterwards find, lasted far into the eighteenth century. But a community of slaves had arisen within the country itself. If Fletcher was not a slaveholder himself, he lived surrounded by slaveholders and their slaves. His paternal territory lay in that county of East Lothian where the two classes of works laboured by slaves—collieries and salt-works—had their oldest, and still their chief establishment. The slaves went to those who bought or succeeded to the property of the works, and they could be sold, bartered, or pawned. What is peculiar and revolting in this institution is, that it was no relic of ancient serfdom, but a growth of the seventeenth century. We have seen, indeed, that serfdom had a feebleness on Scotland than on England. We have also seen how astonished and enraged the French auxiliaries of the Scots in the wars with

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And how well and faithfully they were served by those they had made free—whom from a long experience of their probity and capacity they often made stewards of their estates—all ancient history can testify."—Fletcher's Works, 92, 99.

<sup>1</sup> "The Second Discourse concerning the Affairs of Scotland, written in the year 1698."—Works, 84.

England were at the insolent independence of the common people, impoverished as they were. The oldest trace we have of the bondage of the colliers and salt-workers is an Act of the year 1606, passed, as it would seem, to strengthen somewhat as to them the laws so common at the time for restricting the pursuit of all occupation to those embarked in them. By interpretations of this Act, but more by the tyrannous power of the strong owners of the soil over a weak and unfriended community, slavery had been as amply established in the community where Fletcher dwelt as ever it had been in Rome, Sparta, or Virginia.

If anything could justify his proposed enlargement of the enslaved community, it might be found in the appalling condition, physical and moral, of those on the lowest social level, such as he has himself described it. There is a gloomy picturesqueness, indeed, in his description, suggestive of exaggeration, but a public man could scarcely have ventured on such a story to his contemporaries were there no truth in it. As the climax of his picture of poverty and degradation he points to a body of some two hundred thousand sturdy beggars living in a community without law, religion, marriage, or any of the civilising restraints of domestic life. "No magistrate," he says, "could ever discover or be informed which way any one in a hundred of these wretches died, or that ever they were baptised. Many murders have been discovered among them; and they are not only a most unspeakable oppression to poor tenants—who if they give them not bread, or some kind of provision, to perhaps forty such villains in one day, are sure to be insulted by them—but they rob many poor people who live in houses distant from any neighbourhood. In years of plenty many thousands of them meet together in the mountains, where they feast and riot for many days; and at country weddings, markets, burials, and other the like public occasions, they are to be seen, both men and women, perpetually drunk, cursing, blaspheming, and fighting together."<sup>1</sup>

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<sup>1</sup> Works, 101.

The enslaving scheme was to compel the idle and vicious to contribute by labour to the common fund, and to secure to the virtuous and industrious a provision for life. And after all it was but the completing and systematising of the clumsy pauper law of England and its organisation for a war against idlers and vagrants. It is Fletcher's nomenclature more than his object that startles us; for throughout its relentless apparatus of tyranny the English pauper and vagrancy code seem ever to skulk behind the institutions of a free country inhabited by freemen. To those who have an æsthetic leaning towards the communistic and other reconstructive projects of the present day, it might be a profitable lesson to study the old English pauper system along with Fletcher's cold ungenial scheme for bringing such a system to harmony and completeness.

Fletcher himself has given us an opportunity of descending along with him from the philosophical altitude of his political philosophy to his hour of social ease with familiar friends, his ruling passion still influencing his tongue. Whoever, indeed, would see the spirit of the new Patriot Party at home, as it were, would do well to read a little tract by Fletcher himself, called 'An Account of a Conversation concerning a Right Regulation of Governments for the Common Good of Mankind.' As a piece of literary composition, it is singularly natural, easy, and pleasant, showing great powers, both rhetorical and dramatic. The author, walking in the Mall in a meditative humour, is overtaken by the Earl of Cromarty and Sir Christopher Musgrave. The three go to the earl's lodgings to dinner, and there are joined by Sir Edward Seymour. Thus the author comes in contact with two wily statesmen,—the one of England and the other of Scotland; while Sir Edward Seymour represents the stiff, haughty, but honest old-world aristocracy of England, whose sentiments were exclusive and domineering, but not corrupt. The discourse held by these representatives of party and opinion is pleasantly set down. It is fluent without garrulity, dignified without pomposity, and even a haughty courtesy adorns the sarcasms or angry retorts, without which a debate even

on vitally interesting national disputes would seem lifeless.<sup>1</sup>

The three friends, looking forth upon the river, are induced to make reflections on the greatness and glory of the English capital. They have before them two of the noblest objects that can entertain the eye—the finest river and the greatest city in the world. Forming an amphitheatre of luxuriously comfortable edifices, it shelves to the sun, and unites all that conduces to beauty, health, and commercial enterprise. To this rich centre the county of Kent furnishes fruit; Hertfordshire and Cambridge corn; Lincolnshire, Essex, and Surrey send animal food; and Buckinghamshire wood for fuel. But, more wonderful than these natural supplies, the genius of the people lays the world under contribution to minister to its wants and luxuries. It brings coal from a distance of two hundred miles, and can show a greater variety of wines than the richest vineyard countries in Europe. In a word, all the useful and superfluous things that nature produces or the wit of man has invented, are to be found here, either made by the artificers or imported by the merchants. But, what is more wonderful than all, here are congregated a

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<sup>1</sup> When Sir Edward disturbs the tone of the conversation by a brutal jest on the poverty of Scotland, and the folly of England in consenting to an alliance with so beggarly a country, the author continues: "Upon this I turned to the earl and Sir Christopher, and said that if Sir Edward had spoken these words in the House of Commons, I might not take notice of them, nor question his freedom of speech in that place; but since he is pleased to express himself after this manner in a private conversation, I shall likewise take the liberty to say, that I wonder he is not afraid such language should make us suspect him not to be descended from the noble family whose name he bears." The bitterness of this sting was in Sir Edward actually having uttered, in Parliament, a taunt so inconsistent with all our notions of his exacting pride and haughty reserve as the low sarcasm so retorted. It is thus reported by a contemporary: "Both Sir Edward Seymour and Sir Christopher Musgrave expressed their dislike to an union, which Sir Edward compared to a countryman that had a wife proposed to him without a fortune, and gave this reason for refusing it,—that if he married a beggar he should have a louse for a portion. This the Scotch have heard, and are very angry at it." —Vernon's Letters, ii. 408.

people who know how to be free yet orderly ; and in such perfect security abides that mighty crowd, that the great city, without walls or guards, is as accessible in all hours of the night as the most inconsiderable village in less favoured lands. To all are added the historical associations of a great Parliament—the national courts of law, which have resisted arbitrary tyranny for centuries—and the great mercantile exchanges, whose movements affect the interests of all the world.

Such is the brilliant side of the picture ; but there is a worm gnawing at the root of all this glory. Pride and luxury must certainly corrupt and render rotten the virtue which, in hardier times, raised up its greatness. The people are too rich, too reckless, too fond of pleasure and excitement, to retain the sterner virtues ; and it is among the mountains of the north, where a hardy, independent race rear their scanty crop, that true virtue is to be found. Now come commentaries on Greek and Roman virtue, contrasted with the weaknesses that have undermined great bloated empires in ancient days. It is shown, after a style of argument so often imitated in later times as to be rather tiresome, that all great empires have their period of fructification and decay, and England has certainly come to the climax, whence her subsequent course must be downwards. Is, then, this dangerously colossal empire to take the small and poor, but virtuous, state of Scotland, with all the destinies which its native energy might achieve for itself, and suck it also within the vortex ? Is his beloved native land, for whom her best sons are ready to bleed, to be joined with the evil fortunes of her neighbour, and fall without eliciting a blow ?

He knows the necessity for a union, but it must not be an absorption. The countries may unite their strength, not their weakness ; and this he deems to be only practicable by a federative union, in which Scotland preserves her nationality, protected from invasion by ample securities. It must be a contract between equals, not the dictation of a superior to an inferior. Nor in such an arrangement could it be said that Scotland has all the benefit. It may be more fairly said to be reaped by England,

which, bloated and unwieldy, receives the support of a fresh, hardy, high-spirited nation, yet uncorrupted by wealth and luxury. When Scotland has protected herself thus, by sufficient stipulations, from English aggression and insolence, the enterprising spirit of her people will be turned from war, whether for aggression or defence, and will be directed in the paths of peaceful enterprise. Not great enough to be ruined by excess of riches and luxury, she will yet be rescued from the poverty and obscurity into which, as a dependency of a great and not friendly nation, she is likely to sink, and once more, with a name and a position in the world, she will fill them all the more happily that they are acquired by peaceful negotiation, and not by war. To such ends are the energies of the new Patriot Party in Scotland directed; and by patience, courage, and integrity, they hope, through the blessing of Heaven, to be able to achieve them.

The veteran statesmen, conversant with corruption and intrigue, smile at the Utopian vision, and remind their companion that statecraft knows more rapid and effective instruments for accomplishing its objects than these high-toned virtues. This is taken as a hint that, by power and corruption, England will accomplish towards Scotland whatever her statesmen desire. The challenge is taken up; Scotland has old memories to fall back upon; Wallace and Bruce are not forgotten there; Bannockburn cannot be wiped from the annals of England, or overlooked by the monarch who would enslave the hardy Scots; let them try again to fit the chain.

All this is reasoning of a kind that comes with novelty not quite free of the ridiculous to the experienced closet statesmen. It is not of a kind, in fact, which admits of being practically settled by argument, for it is passion and will that speak in it. They can taunt its employer, however, with having no followers among the sensible and experienced of his country, and compliment him as a great framer of Utopias, in which he has the concurrence of "several men of quality of about two or three and twenty years of age, whose long experience and consummate prudence in public affairs could not but produce wonderful

schemes of government." The taunt is turned on its employer. Whatever their capacities may be, the young theorists are uncorrupted. The natural generosity of youth spurns at base motives, and therefore are they odious to those who have sworn to exterminate political honesty, and will not let it live. Such are some of the characteristics of this amusing paper. It lets one into the ideas and thoughts of a remarkable leader of a remarkable party. For any actual instruction on principles of government, it might be as vainly searched as Cicero's recently discovered book 'De Republica.' It was the lot of the Patriotic Party, with all their lofty aspirations, and their scorn of sordid motives, to be drifted into the most relentless conflict about matters of money and profitable trade that ever perhaps cursed Europe. To find how this came to pass we must go over to the English money market, and finding there a busy Scotsman, William Paterson, take note of what he is about.

The memory of William Paterson has been revived and cherished in the present day as the prophet of the blessings of free trade, and the announcer of a currency system identical in its fundamental principles with that adopted in recent times after experience and inquiry. Thus his personal history has been rescued from obscurity by hard and meagrely productive investigation. He is scarcely to be met in the political correspondence or the memoirs of the time ; and when the name itself—not an uncommon one—has arisen to reward the researches of the enthusiast, he has had the disappointing task of tracing it home to Sir William Paterson, the clerk of the Scots Privy Council, a person of far more importance among the busy Scots politicians of the period. He is not to be found in the ordinary Biographical Dictionaries twenty years old, nor even in such a work limited to Scotsmen at the beginning of the century.<sup>1</sup> His fame has not been sufficiently rooted among us to find its way into the great foreign treasuries of biography.<sup>2</sup>

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<sup>1</sup> See 'Biographia Scotica, or Scottish Biographical Dictionary,' by J. Stark, 1805.

<sup>2</sup> For instance, he is not in the 'Nouvelle Biographie Générale,

William Paterson was born in the house of Skipmyre, in the parish of Tinwald, and county of Dumfries, at some time between the beginning of 1658 and the end of 1660. The house and small estate of Skipmyre belonged to his family, who were of the class called bonnet lairds in Scotland and yeomen in England.

These simple facts were recently discovered in a laborious inspection of parish registers, records of deeds, copies of marriage contracts, and inscriptions on tombstones; and so necessary was all this to the identification of William Paterson, that without it Scotland had no assured right to count him as one of her sons.<sup>1</sup> In the general vagueness, and the assured knowledge of just one palpable fact that he was influentially connected with great schemes that came to ruin, there has been a natural supposition that we may fill up the blank by inference from what we know so well of his countryman and contemporary, John Law; and, indeed, the two have often been confounded with each other, although they were opposites in their opinions as well as their lives, for the foundation of Law's "system" was unlimited paper credit, while Paterson, as we shall see, advocated a bullion standard. In reality no two men stood more apart in character, career, and opinions. Law was a man of pomp and parade, a gambler, a haunter of the highest circles of rank and fashion to which, by audacity, skill, and brilliant social qualities, he could find his way. Fate co-operated with his disposition in raising him to a pinnacle of grandeur and power that one can believe to be far beyond even the wildest dreams of the Scots goldsmith's son.

Paterson, on the other hand, was a man of quiet retired life. He had travelled and seen much of the world, but it was as an observant tradesman, not as a courtier or

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edited by Dr Hoffer—generally admitted to be the best Biographical Dictionary in existence. The volume where he would have appeared, and where Samuel Paterson has a place, bears date in 1862.

<sup>1</sup> See 'The Birthplace and Parentage of William Paterson, founder of the Bank of England, and projector of the Darien Scheme,' by William Pagan, F.S.A. Scot., 1865,—an unpretending but extremely valuable contribution to biographical literature.



ruffler. His pride was to call himself "merchant in London;" to circulate among his fellow-traders his views on commerce and finance, and to work practically in some of their adventures, such as the Hampstead Water Company. He was a man of serious walk and conversation after the Presbyterian fashion. While Law's face was familiar to all Europe, there does not appear to have existed a published portrait of Paterson. It is difficult to trace his personal motions or the events of his life. It was said that he had gone to America as a Christian missionary, but had turned buccaneer on the Spanish main; but such things were said in the spiteful raillery of controversy rather than in serious imputation. Among other particulars of a more likely kind,—that in his schemes he was the close ally of the patriotic Fletcher, that the two went to Scotland together, and that they gained by their joint persuasions the co-operation of Tweeddale, the commissioner, has found its way into history, but I cannot trace it to any contemporary authority. If we look for the act that seems to have gained him most fame in his day, we shall find it in the establishment of a company for restoring and securing the funds of a foundation for the benefit of the orphans of London freemen. It had become bankrupt, spreading much disappointment and suffering among families who had counted on it as a vested right. It so troubled the mighty corporation of London that they compared it to the shutting of the Exchequer by Charles II. By Paterson's adjustment certain items of revenue were appropriated to it, and its estates and claims were funded into a stock which secured its own permanent existence by becoming a safe investment. The bereaved families had to thank him for the restoration of their maintenance, and the moneyed men for the creation of a sound saleable stock.<sup>1</sup>

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<sup>1</sup> By an Act for the relief of the orphans and other creditors of the city of London, 5 and 6 W. and M. c. 10. Paterson's services on the occasion are told in Adam Anderson's *Historical and Chronological Deduction of the Origin of Commerce*, ii. 600. Part of the revenue was to be paid "out of the profits of the convex lamps," "then in vogue, but since come to nothing." Anderson's book is extremely valuable to those who have courage enough to wander over his thousand of

By a persistent practice the title "Founder of the Bank of England" accompanies Paterson's name. In the sense, however, of a man who has adjusted a scheme, who finds assistants to support him in it, and who finally carries it into effect, he was not the founder of the Bank of England; and it happens that the Bank of England was founded on principles far less secure than his. No doubt he pleaded and worked for the establishment of a bank among his brother merchants. There were but four great banking companies in the world—in Venice, Genoa, Hamburg, and Amsterdam. London could eclipse them all, and establish a vast centre of investment and exchange in place of the huckstering and pawnbroking dealings of the Exchange.

To his pleadings for the establishment of a great Bank in London we owe as accurate a definition of a sound bank-note as any one could frame from the records of a hundred and fifty years of intervening experience. It is a note payable to bearer on demand without indorsement.

The rejection of the indorsement was a fundamental

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dense pages, composed in a style as of the united essence of Acts of Parliament, invoices, and contracts of copartnership. In such literature he spent his days, and rising step by step in the South Sea House, it became the pride of his life to be called "chief clerk of the stock and new annuities." It is from him that all our personal knowledge of Paterson has come. He was about twenty-five years old in 1725, when Paterson died. Anderson's history was published in 1762. It appears to be to Sir John Dalrymple, whose Memoirs were published in 1788, that we owe the story of Paterson and Fletcher meeting together and going down to Scotland to lay their joint scheme before Tweeddale (ii. 90 *et seq.*) Sir John belonged to a school of historians who thought it the historian's duty to seek picturesqueness rather than accuracy. Unfortunately his statements have been indorsed by higher authority. One of his sketches that has found permanent currency is: "Paterson having few acquaintance and no protector in London, thought of drawing the public eye upon him, and ingratiating himself with moneyed men and with great men, by assisting them to model a project which was at that time in embryo for erecting the Bank of England. But that happened to him which has happened to many in his situation: the persons to whom he applied made use of his ideas, took the honour of them to themselves, were civil to him for a while, and neglected him afterwards."—Memoirs, ii. 94. Paterson was a man of moderate capital, busy with the adventures of London trade. He had the "acquaintance" that such men have, and did not need a "protector."

revolution. The notes that would be discounted in bullion by the goldsmiths would sometimes have a string of names on their backs. Each indorser was under a subsidiary liability on the failure of the original issuer of the note. The more indorsements, therefore, the more valuable became the note. But the security thus imparted was of a very clumsy kind; on the failure to pay of the party primarily liable, there was recourse through actions at law against others. A currency thus encumbered would be very unwieldy; but then there was the security. To accomplish this Paterson proposed—probably on experience of foreign practice—that the unindorsed note should be payable in gold. Not only must this be the law, but the State must provide that the person or institution issuing notes shall have sufficient gold at hand to meet demands. This required the transference of the trade of note-making from private persons to an institution under State control. Hence came banks of issue. In so far as they adhered to Paterson's principle, whatever separate property they might hold as security for their greater operations, they were bound to have at hand enough of gold to pay at once every note that the daily operations of commerce and other pecuniary exigencies might bring to their counter. Here was the vital principle of the banking system wrought to maturity in 1844, after a world of discussion, inquiry, and experiment, under the cautious management of Sir Robert Peel.

Such suggestions have not the flavour that insures popularity. The financier who tells people to pay in hard cash does not know his trade. The duty of the financier at that time was to invent currencies that were created out of nothing—that paid people's way without requiring them to make money. And for all the terrible calamities they have from time to time brought down on the world, credit projects have been, and still are, divulged by men of honest life and good intent, because each believes that he has found some mechanism for obviating the ruin that has overtaken other schemes. And it is not only to the harmless dreamer that the sound of credit has a charm; it takes possession of the practical and the selfish. Of these, few

care for theories of the evolution of races, or the sanctity of the mensuration of the Great Pyramid. But many greedy worldly men desire credit, and give their practical aid to the sage who suggests a way of finding it.

Thus Paterson advocated a paper currency payable in gold. There was an intermediate plan between this and an absolutely free currency, in the issue of paper on the security of landed property. It makes the difference between the projects of the two all the more distinct, that Law offered to Scotland, before the wider field was opened to him, a project for an issue of paper on the credit of the landed estates in Scotland, each owner holding notes to the value of an estimated proportion of his estates—an adjustment corresponding to that of the *crédit foncier* of later times.<sup>1</sup> He had a closer contest still for the integrity of his bullion standard. An inconvertible paper currency, secured on land, was a favourite scheme of Dr. Hugh Chamberlain, a great mentor of the city in matters of finance. His scheme had a party as against Paterson's, and bid fair at one time for success.

A currency founded on real property has a respectable and attractive sound. It was subjected to an experimental test, the largest that ever befell a project, in the French assignats; and all the world knows the lamentable ruin that followed. The realisation of a currency must be available at once. The holder of the assignat for a hundred francs had the vast forfeited territories as his security. It was anticipated that the speculators would give him bullion—they could buy up such notes, and get profitable payment at the next sale by auction of the domains of a marquise or an abbacy—but the assignats had driven the bullion out of the country.

The establishment of the Bank of England in 1695 was a fitting opportunity for the enforcement of Paterson's convertibility system. King William's Government had just, by a gallant act of financial statesmanship, called in all the

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<sup>1</sup> Money and Trade Considered, with a Proposal for Supplying the Nation with money: Edinburgh, 1705; Glasgow, 1760. A translation of this tract into French bears the significant date of 1790.

coin that had been clipped and "sweated," or rubbed, so as to take off the surface in dust. Standard coin was supplied in its place, the whole transformation being effected by the advice and aid of two of the greatest of Englishmen—Locke and Newton. The process cost the country one million and two hundred thousand pounds, raised by a tax on houses. Paterson was one of the twenty-four directors at the opening of the Bank, and he must thus have invested two thousand pounds in its stock. But he appears to have sold out before the Bank was a year old.<sup>1</sup>

Let us now follow Paterson with his disengaged capital into the great Scots project. It may be noticed that Paterson seems to have had no strong national feeling about it. We know him only to be a Scotsman by tracing his birthplace and parentage. There is nothing to reveal the fact in his writings. On the contrary, in one of his works, cast in the method of a group of arguers, two Scots patriots give their peculiar opinions, and are met by Paterson, who represents the London merchant.<sup>2</sup>

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<sup>1</sup> "The name of William Paterson was not long upon the list of directors. The Bank was established in 1694, and for that year only was its founder among those who managed its proceedings. A century and a half have passed, the facts which led to his departure from the honourable post of director are difficult to collect; but it is not at all improbable that the character of Paterson was too speculative for those with whom he was joined in companionship."—Francis's History of the Bank of England, i. 66. Perhaps in what follows a better reason may be found: "While the coinage was proceeding money grew scarce. The Bank were placed in a peculiar position. They had received the clipped money at its full value; they had taken guineas at thirty shillings, and when the notes issued by them in exchange came in, there was not sufficient specie to meet the daily demand. Had they paid in full they must soon have been drained of specie, and they resorted to the plan of paying cash at first in instalments of 10 per cent once a fortnight, and afterwards 3 per cent once in three months."

<sup>2</sup> "Proceedings at the Wednesday's Club in Friday Street," Paterson's Works, i. 246. In this discussion Paterson is believed to represent Mr May, who pleads for the Union against Scots prejudices. Anderson cites Paterson "in his ingenious book called the 'Conferences on the Public Debts,' by the Wednesday's Club in Friday Street" (ii. 603). The proof of authorship has been zealously

It was not that he was the mere grasping trader. He was one of those whose lives are elevated and sweetened by a high enthusiasm. His mission was the emancipation of commerce from the pernicious restraints laid upon it by miscalculating selfishness. His faith was in the blessedness of free trade. It was for the creation of a great free port, open to the trade of the world, that he sought an instrument in the exclusive privileges of a new company. We have seen that he advocated a restrained currency—restrained by the obligation to meet all demands with gold. Hence we may fairly say of him that he was the prophet of the now accepted principles of currency and commerce—of the two systems tersely defined by the last eminent champion of the old policy, as “Free Trade and a Fettered Currency.”

In the days fertile with projects of unrestrained currencies, the privilege of trading was limited by jealous and vindictive laws. The philosophy of each community seemed to be—let us get the money to trade with when and how we can, but let us keep the trade itself to ourselves. The trade of England with the distant regions of the globe was monopolised by two great corporations—the East India Company and the African Company. They were at deadly war with each other, but both were at one in crushing every free-trader who intruded on their trading grounds. They thus made enemies of all the enterprising traders excluded from their privileges. The greater and more detested of the two, the East India Company, had just passed through a battle for life. It was victorious, and got its charter renewed in 1693. Thus a host of angry capitalists were set upon a search

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worked out by Mr Saxe Bannister. All who are interested in Paterson himself, in the banking of the period, and in the great Scots project, must feel deeply indebted to Mr Bannister for his two books, ‘William Paterson, the Merchant, Tradesman, and Founder of the Bank of England; his Life and Trials,’ by S. Bannister, M.A., formerly Attorney-General of New South Wales, 1858: and ‘The Writings of William Paterson of Dumfriesshire, and a Citizen of London; Founder of the Bank of England, and of the Darien Colony;’ edited by Saxe Bannister, M.A. of Queen’s College, Oxford; 3 vols., 1859.

how they might enrich themselves and smite their enemy.

They must certainly have been astonished to find that this could be accomplished by the co-operation of their pauper neighbour, Scotland. But it was true that Scotland was a sovereign realm, capable of creating its own corporations, and conferring on them trading privileges. It was true, also, that the inhabitants of each country were naturalised to the other, and as Scotsmen could hold stock in England, so could Englishmen in Scotland. We have no contemporary intimation who it was that suggested this opening to the English capitalists; but it is easy to believe that Paterson was the man, for he united in himself the two sides of the bargain to be concluded—he was a Scotsman, and he was one among the English capitalists.

It was necessary in such a partnership to look to the permanent protection of Scotland. In an open company with shares coming to the market, and purchaseable by the inhabitants of either country, the rich English could buy out their impoverished neighbours over and over. It was therefore stipulated that one-half of the stock must ever be held by Scotsmen residing in their own country. Thus, however affluent was the new field opened to English capitalists, the Scots must have an equal share in it. Had the enterprise continued on this foundation and become as prosperous as it was expected to be, curious results might have been seen by a competition for the English shares, and a rise in their value, while those of the Scots were constrained by the poverty of the nation to remain at a lower level. In such an anticipation there was comfort in the consideration that English money, if it could not be invested in stock, could be borrowed by the fortunate Scots holders, and contribute to the rising fortunes of their country.

The great company is popularly known by the name of "The Darien Company." This, however, was not its real name. Among many projects devised by it, the establishment of a settlement was one, and in that one it encountered its most signal misfortunes. The new institu-

tion, however, was "The Company of Scotland trading to Africa and the Indies;" and its abbreviated name for common use was "The African Company."

We must now return to the Tolbooth, or Parliament House, in Edinburgh, where, on the 26th of June 1695, the Estates passed in silence apparently, as if it were a mere assent to some ordinary item of routine business, a statute destined to a memorable history. We know nothing of the preliminary steps for preparing and tabling it beyond the general condition of parties in Scotland and the money market in London just described. It is questioned whether an Act passed by the Scots Parliament on the 14th of June 1693, professedly "for the encouragement of foreign trade," was part of the new project, and carried silently through Parliament with deep preconcerted design. At all events, this short Act for the "encouragement of foreign trade" might have inflamed the great English trading companies, had they seen it and believed it a serious document. It provided that in Scotland adventurers associating together for foreign commerce should enjoy all extant privileges of trade, and especially included the trade of the East and West Indies, and of the Mediterranean, as among those to which their privilege, when incorporated under the Great Seal of Scotland, should become public and undoubted. This Act does not seem to have caused any alarm. It allowed people to associate for certain purposes that might be dangerous and pernicious, but no one saw them actually associating and creating stock.

The measure of 1695 was called an "Act for a Company trading to Africa and the Indies." It had evidently, in all its details, been carefully arranged by men who were in a position practically to profit by its privileges. It conferred on the Company privileges carrying them above the restraints of the Navigation Act. But besides their mere trading powers—of such a kind as the world is now familiar with—there were other privileges and powers which would startle the colonial politician of the nineteenth century. The Company were empowered to fit out and arm vessels of war, either in Scotland or any other country not at war



with the British sovereign. They were authorised to make settlements, and build cities, harbours, and fortifications, in any place in Asia, Africa, or America, uninhabited, or where they had the consent of the natives, and were not met by the previous claims of any European sovereignty. They were authorised, when attacked, to fight or make reprisals ; and as the counterpart of their fertile privileges, they might make alliances with those holding sovereign rights in the three distinct quarters of the globe to which their privileges were extended. To give this new Company the same rank in its own nation with the English trading corporations, all other Scotsmen were prohibited from trading within the Company's privileges without their licence, and a broad power was given to them to seize on all interlopers " by force of arms, and at their own hand " —a power which they afterwards used in a manner so portentous as to raise alarm for the safety of the empire.

Ten of the directors resided in England, and ten in Scotland ; but when the books were opened in London, to make a majority and quorum there, three nominees from the Scots directors went to London. The whole body met in the house of Nathaniel Carpenter, in St Clement's Lane.<sup>1</sup>

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<sup>1</sup> The information contained in the following account will be understood, where no other authority is cited, to be derived from the collection of office-books, correspondence, and other papers of the Company, deposited in the Advocates' Library. The author edited, for the Bannatyne Club, a selection from these papers ; and some extracts from them, illustrating the trial of Captain Green, were published by him in a collection of ' Narratives from Criminal Trials in Scotland.'

The following tracts, which may be found in the Advocates' Library, and other collections, have also been more or less used on this occasion, and may be consulted by those anxious to investigate this historical episode :—

Letter from a Gentleman in the Country to his Friend in Edinburgh, wherein it is clearly proved that the Scottish African and Indian Company is exactly calculated for the interest of Scotland. Edin. 1696.

Reasonable and Modest Thoughts partly occasioned by and partly concerning the Scots East India Company, humbly offered to R. H., Esq., a member of the present Parliament. By an unfeigned and hearty Lover of England. 1696.

Paterson was occupied in plans for starting it well in London, and beginning with a wide sweep of capital. He

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A Short Discourse on the present temper of the nation with respect to the Indian and African Company and the Bank of Scotland ; also of Mr Paterson's pretended Fund of Credit. By John Holland. 4to. Edin. 1696.

The History of Caledonia, or the Scots Colony in Darien ; by a Gentleman lately arrived. 1699.

A Full and Exact Collection of all the considerable Addresses, Memorials, Petitions, Answers, Proclamations, Declarations, Letters, and other Public Papers relating to the Company of Scotland trading to Africa and the Indies, since the passing of the Act of Parliament by which the said Company was established in June 1695, till November 1700. 1700. 12mo.

Original Papers and Letters relating to the Scots Company trading to Africa and the Indies : from the Memorial given in against their taking subscriptions at Hamburgh by Sir Paul Ricaut, his Majesty's resident there, to their last Address, sent up to his Majesty in December 1699. 1700. 8vo.

A Description of the Isthmus of Darien, where the Scots Colonie is settled, from a Gentleman who lives there at present. Edin. 1699.

Address of the Council General of the African and Indian Company to his Majesty ; with his Majesty's Answer. 1699.

Defence of the Scots abdicating Darien,—including an Answer to the Defence of the Scots Settlement there. 1700. 8vo.

A Short and Impartial View of the Manner and Occasion of the Scots Colonys coming away from Darien, in a Letter to a Person of quality. 1699.

A Letter to a Member of Parliament, occasioned by the growing poverty of the nation, &c. 1700.

Speech of the Duke of Queensberry, his Majesty's Commissioner, to the Parliament of Scotland, 29th Oct. 1700.

Speech of the Earl of Marchmont, Lord Chancellor, to the Parliament of Scotland, 29th Oct. 1700.

Several Particulars of the Highest Concern to the Kingdom of Scotland. 1700.

Representation of the Council General of the Company of Scotland trading to Africa and the Indies, to her Majesty's High Commissioner, 27th Nov. 1700.

Report (MS.) by a Committee of the Company as to the presentation of the National Address. 1700.

Certain Propositions relating to the Scots Plantation of Caledonia. Glasgow, 1700.

Proclamations by the Governors of Jamaica, Barbadoes, New York, Massachussets Bay, &c., against the Scots Company and Colony. 1699.

Caledonia—The Declaration of the Council of the Indian and

recommended that a short period only should be given for receiving subscriptions, and had one memorable example, at least, to give to the efficacy of such a policy.<sup>1</sup>

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African Company of Scotland for the Government of their Colonies and Settlements in the Indies. 1699.

A Just and Modest Vindication of the Scots Design for the having established a Colony at Darien ; with a brief display how much it is their interest to apply themselves to trade, and particularly that which is foreign. (Attributed to Robert Ferguson.) 1699.

A Defence of the Scots Settlement at Darien ; with an Answer to the Spanish Memorial against it, &c. Printed in 1699. Small 4to.

Letter from a Member of the Parliament of Scotland to his Friend at London, concerning their late Act for establishing a Company trading to Africa and the Indies. 1695—Printed at London ; reprinted at Edin. 1696. Small 4to.

Speech in Parliament on 10th January 1701, by Lord Belhaven, on the Affair of the Indian and African Company, and its Colony of Caledonia. 1701.

Inquiry into the Cause of the Miscarriage of the Scots Colony at Darien. Glasgow, 1700.

Express from the African and Indian Fleet, landed in New Edinburgh in Caledonia. Edin. 1699. Folio.

Abstract of a Letter from a Person in Caledonia to a Friend at Boston in New England. Edin. 1699. Bd.

Memoirs of Darien, giving a short Description of that Country ; with an Account of the Attempts of the Company of Scotland to settle a Colony in that place. London, 1714.

The History of Darien, giving an Account of the Attempts of the Scotch nation to settle a Colony in that place. By the Rev. Francis Borland. Glasgow, 1779.

<sup>1</sup> Writing on the 9th of July 1695, to his friends in Scotland, he recommends that, as the Act has been passed, and Scotland has until August 1696 to supply her share of the subscription, the matter should be kept secret in London, for two reasons : one, the danger of a parliamentary attack, which, with his intuitive sagacity, Paterson foresaw ; the other, the advantage of a rapid subscription. He then says:—"If we should lay books open in Scotland for six or eight months, or a year together, we should become ridiculous at home and abroad ; and for that we have many instances here in England, where, when the Parliament gives a long day for money, that fund has hardly any success, and when the days are short they seldom ever fail. The Bank of England had but six weeks' time from the opening of the books, and was finished in nine days. And in all subscriptions here it's always limited to a short day ; for if a thing go not on with the first heat, the raising of a fund seldom or never succeeds, the multitude being commonly led more by example than reason."—Darien Papers.

It was arranged that public operations should not be begun in London until the month of October. When the books were opened, the English money lords rushed at once to an investment so promising. As Paterson anticipated, the half of the subscription open to England was immediately filled up; and the affair made such effective progress, that in December the House of Commons, roused by the fierce outcries of the English privileged companies, was rapidly taking measures to crush the project.

It happened that the period was one of great trading discontent in England. There had been many losses and bankruptcies, and the sufferers, in their anger, alleged that they were sacrificed to the aggrandisement of the king's natural subjects, the Dutch, who were prospering upon the ruin of the English merchant. Those who were not contributors to the new Scots fund, looked with appalling anticipations on the trading privileges distributed with so free a hand upon another no less obnoxious people under the rule of their prince. Trade jealousies have from time to time made the English people frantic. The Commons were urged on to an immediate extermination of the upstart rival to English commerce. In their haste they seemed to forget that there was, in the other part of the island, an independent imperial Parliament, legislating for a free state; and an inquiry was instituted as to those who had advised the passing of the Act in Scotland, as if it had been the measure of some English dependency, for which the promoters were responsible to the English Parliament. The Lords were roused as rapidly, and by the same influences. The two Houses held that important conclave, little seen in later times—a conference, and united in an address to the Crown against the Scots Company.<sup>1</sup>

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<sup>1</sup> Their grounds of alarm are a curious echo of the sources from which the promoters predicted success,—the one speaking from the spirit of enterprise, the other from that of monopoly. The English Parliament, embodying the latter, say: "By reason of which great advantages granted to the Scotch East India Company, and the duties and difficulties that lie upon that trade in England, a great part of the stock and shipping of this nation will be carried thither, and by this

To the address presented to him by the two Houses, the king made an answer which became memorable in Scotland. It was in these terms: "I have been ill served in Scotland, but I hope some remedies may be found to prevent the inconveniences which may arise from this Act."<sup>1</sup>

The Commons proceeded still further. They seized on the books and documents of the Company in London, and conducted a threatening examination of the capitalists who had subscribed to the fund. In the end, they resolved that the Directors of the Company, acting under colour of a Scots Act of Parliament, were guilty of a high crime and misdemeanour; and then they voted that Lord Belhaven and the other eminent Scots gentlemen whose names appeared in the Scots Act as the Directors of the Company, should each be impeached of high crimes and misdemeanours.<sup>2</sup>

This denunciation was more insulting than practically operative, as the eminent men whom it affected were safe in their own country; and it may be counted the commencement of that series of rash insults to Scotland, which,

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means Scotland be made a free port for all East India commodities; and consequently those several places in Europe which were supplied from England will be furnished from thence much cheaper than can be done by the English; and therefore this nation will lose the benefit of supplying foreign parts with those commodities, which hath always been a great article in the balance of our foreign trade. Moreover, the said commodities will unavoidably be brought by the Scots into England by stealth, both by sea and land, to the vast prejudice of the English trade and navigation, and to the great detriment of your majesty in your customs. And when once that nation shall have settled themselves in plantations in America, our commerce in tobacco, sugar, cotton, wool, skins, masts, &c., will be utterly lost, because the privileges of that nation, granted to them by this Act, are such, that that kingdom must be the magazine for all those commodities, and the English plantations and the traffic there lost to us, and the exportation of our own manufactures yearly decreased."—Lords' Journals, 13th Dec. 1695.

<sup>1</sup> The authenticity of this answer has been questioned, as at variance with King William's cautious character; but it is printed in the Lords' Journals for 18th December 1695.

<sup>2</sup> Commons' Journals, 21st January 1696.

rendering the Union necessary, were at the same time a sad impediment to its progress. The formidably hostile operations of the English Parliament had, however, naturally the effect of alarming the London subscribers to the fund; and seeing that personal danger, as well as the pecuniary risk of being associated with a speculation on which Parliament made war, attended their connection with the Company, they shrank out of their position by failing to pay up the instalments of their subscriptions.<sup>1</sup> Their stock was hence, by the usual conditions of joint-stock companies, forfeited; and thus ended the bold attempt of the speculators to connect themselves with England.

Much hard censure has been bestowed on the great English companies and their parliamentary abettors in these acts. But so far as they affected the shareholders in England, and apart from their method of doing what they did, in a shape insulting to an independent state, they had the justification both of the right and of the duty. Conceding that the great companies were entitled to treat all trespassers on their privileges as common robbers—and that had the sanction both of the law and the public opinion of the day—they were entitled to make war on any project by which Englishmen might, through the aid of a foreign power, plunder them of their privileges. The English subscribers to the Company, indeed, were to be held as smugglers on a grand scale.

These occurrences roused the old spirit of nationality in Scotland. The English capital was withdrawn—well, what of that? Scotland should keep to herself the glory and all the other rewards of the great national undertaking. In the supposition that Englishmen were to take half the stock, and were glad to get so much, Scotland could only take the other half, or £300,000, but the op-

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<sup>1</sup> A meeting of the English subscribers was held in London on the 28th of July 1696. Some of them were extremely anxious to continue participants in the adventure—the pecuniary temptation was great; but fear prevailed over avarice, and the most eager were obliged, in the end, lingeringly to relinquish the project.

portunity of the released stock served to increase the Scots subscription to £400,000.

After the denunciations of the English Parliament the subscription-books were opened in Edinburgh. On the first day, the 26th February 1696, upwards of £50,000 was subscribed. More than half of the capital was adventured for before the end of March. After the £300,000 originally assigned to Scotland had been filled up, as many still desired to be included, another £100,000 was added to the stock. Two days before the closing of the books the whole enlarged capital was subscribed. The subscription-book is an interesting analysis of the realised wealth of Scotland at a time when it was more difficult to raise five pounds than it now is to raise a hundred. The nobility and landed gentry of course take the lead; but a very large proportion of the capital is borne by the professional and mercantile classes. Advocates, writers to the signet, and physicians, appear generally for medium sums of from £100 to £500. The highest sum subscribed is £3000, and this amount stands against the names of the Duke of Hamilton, the enthusiastic Lord Belhaven, and one commoner, Stewart of Grandtully. The Provost of Edinburgh subscribes £2000; and in the mercantile class there are several subscriptions within the category of thousands. The large number of persons with the designation "merchant" opposite to their names, would be thought remarkable by one unacquainted with the mercantile nomenclature of the country. It must be remembered that in Scotland, as in France, the term includes retail dealers; and thus we do not, as we would in an English subscription-list, meet with the terms "draper," "cheesemonger," or "drysalter." In general, when the term "merchant in Edinburgh" occurs, as it very frequently does, it represents a snug, comfortable class, who, having the exclusive privilege of burghership, made small competences on the steady business which the Parliament, the courts of law, and the Government offices, brought to the metropolis—a class who were material losers by the Union.

A separate subscription-book was opened in Glasgow, where £56,000 was subscribed. Here the wealth of

the trading community is shown by several ventures of a thousand pounds by the traders of the west. They retained still a portion of the profits they had realised in the West Indian and American trade, before it had been shut to them by the Navigation Act of Charles II., and now cordially joined in a national effort to revive the spirit of commercial enterprise. Throughout the list there is a scanty occurrence of handicraft tradesmen,—as baxters, lytsters, and wrights. Skippers, or shipmasters, occur pretty frequently, and the designation often applies to those adventurous men, part owners, part commanders, who swarmed on the Spanish main. No subscriber is set down as a farmer or agricultural tenant, though, perhaps, some of those who have neither estate nor profession attached to their name may belong to this class. In a very few instances dowered widows or maiden ladies deposit their scanty fortunes. But it is observable generally in the character of the list, that it consists of the active and progressive members of the community, who are bringing all their available funds into a channel of adventure; and that it affords little indication of that quiet and comfortable class, deposited in a long-enriched social system like the Britain of the present day, who are seeking a sure investment for disengaged capital. It is to be feared, in truth, that the scanty funds then belonging to widows and unmarried daughters among the middle classes, would seldom be sufficient for separate investment, but would be often borrowed to make up the sums set down by adventurous and active relations.

The turbulent Highland chiefs, who are so conspicuous in the history of the day—the Keppochs and Lochiels—have no place in this record of a species of enterprise quite distinct from theirs. The houses of Argyle and Athole of course appear in it, as families who, besides their Highland chiefships, had other stakes and interests in the country; but almost the only person with a Highland patronymic was John MacFarlane of MacFarlane, a retired scholar who followed antiquarian pursuits in the libraries beneath the Parliament House. The Celtic



prefix of "Mac" is most frequently attached to merchants in Inverness who subscribe their hundred, and confirm the view otherwise suggested, that this frontier metropolis had contained for more than a century and a half the same moderately thriving community which it forms at present,—distinct alike from the poverty of the purely Highland towns in the middle of the mountain region, and from the rapidly progressive riches of the Lowland cities. Before deserting this list, it may be well to remark one unpleasing impression produced on the meditative loungee over its contents. It is, that at scarcely any other period since the commencement of civilisation, could any such catalogue, necessarily containing the chief men of their day in Scotland, present so few names which belong to the republic of fame, or are known out of the arena of local and national history.

The amount subscribed was, as we have seen, four hundred thousand pounds. A general glance along the entries shows an impulsive rush upon the books, as if, after the usual way in popular joint-stock adventures, people feared that delay might exclude them from that select group who were to be the heirs of fortune. Though they languish afterwards, yet the books come steadily up at the end. The closing day was the 3d of August, but the whole sum was subscribed on the 1st. On that day the subscriptions were large—sixteen in number; their aggregate amount exceeding fourteen thousand pounds. It would thus seem, on the face of the subscription-book, that the latest shares were pretty eagerly seized, and that the whole amount was so far within the available capital of Scotland, that, instead of drawing out its *débris* in small sums, the last available subscriptions were grasped by greedy capitalists in large morsels. The ledgers of the Company, however, reveal another explanation of the phenomenon. The available funds of the country actually were overshot; but Scots pride, as well as prudence, suggested that this should be concealed; and the handsome subscriptions at the close were made up by zealous partisans, who took the shares on being guaranteed in-

demnity by the Company at large.<sup>1</sup> They were, in fact, stock held by nominal subscribers for the Company—a method of fictitious support still well known in the stock market.

The subscribed stock was as usual payable by instalments. The first, of twenty-five per cent, was due within the year, and so faithfully was it met, that the sum credited in the ledger is within two thousand pounds of the hundred thousand thus payable. Before the other instalments were all due, confusion had overtaken the speculation, and inability or apathy intercepted the payments. The books show that the whole sum actually paid in only reached £219,094, 8s. 7½d. This, then, is the full amount of loss in hard cash, which was held to involve the ruin of the nation, and is the amount which England afterwards paid over to the shareholders out of the Equivalent fund as compensation for the losses which her invidious policy had inflicted.

One source of calamity incident to the joint-stock manias of richer countries—jobbing in shares and sales at enhanced and fictitious values—was here wanting. It was a national affair; none sought individual aggrandisement; but the Scots, with their characteristic fidelity in times of difficulty threw their fortunes into the common lot, and were individually to gain or lose with the rise or fall of the nation. Services of all kinds were disinterestedly offered. Paterson, amidst public applause, gave up a gratuitous allotment of shares, which he and others looked upon as seeds capable of sprouting and ripening into a princely fortune. There was a disposition that would have put down all attempts to entrap the unwary, and to gamble with privileges of selection, or the means

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<sup>1</sup> Thus there is an entry of 2d February 1700,—“Stock invested in the Company of Scotland trading to Africa and the Indies—Dr. to sundry accounts, £1000, for so much William Arbuckle subscribed for the first August 1696, to compleat the quota of £400,000 stock, p. verbal order of the Council General. And in regard ditto Arbuckle paid in the several proportions of said £1000 out of his own private cash—therefore the Council General ordains by their order of ] that the said several proportions be repaid him.”

of superior knowledge. It must indeed be admitted, that, had there been a strong disposition to run the scheme through the ruin of the multitude to the gain of a few heartless speculators, the means of accomplishing it were wanting; for the subscriptions sucked up all the money in the country, and none remained for jobbing transactions and enhanced purchases. Hence the calamities which overcame the country, sad as they might be, were the simple loss of property,—they did not involve, as in the manias which afterwards deluged England and France, inextricable adjustments between impostors and their dupes, and a consciousness that the simplicity of one portion of the people had called forth the latent spirit of rapine in the men of prey who formed the other. Whatever follies of the sanguine, the ardent, and the ambitious the Scots had committed, those who had committed them honestly abode the penalty; and, however they had been treated by other nations, they retained the proud consciousness, that not in their own streets, or in their social circles, were to be seen men who had grossly plotted on public credulity, and fed the fire of excitement, that, in treacherous coolness, they might profit by the ruin it was bringing on.

After the close of the subscription-books, Scotland seemed immediately to feel the impulse of the new project, in the sanguine excitement of all classes, and the extended employment of all who were productive workers. It was, in fact, that deceptively prosperous epoch of all speculations, when the capital is undergoing expenditure; and while its owners are expecting a rich recompense, those on whom it is spent enjoy full employment and ready payment. Its most active department at this time was a "Committee of Improvements," whose work was to stimulate the productive capacities of the country, that an emporium might be formed to supply the great trade about to be opened. The operations were begun in the month of May 1696. So wide were they that at one meeting we find the board engaged in a consideration of the Scots fishery, and its extension to Greenland and Archangel. And after having arranged their sources of

production, they turn to an examination of the markets which their produce should be calculated to supply ; and in this shape arrange for "a suitable cargo to the Golden Coast of Africa, another to the Negro Coast, and another for Archangel, with patterns of the several goods and their prices." The herring fishery had, from an early period, been a favourite field of exertion for the legislative friends of national enterprise. The success of the Dutch, whose busses swarmed in the Scots creeks, provoked the sanguine in exposing the inactivity of a people who allowed the elements of wealth to be picked up by strangers at their very door. This fishery has subsequently been an object of much anxious legislation, which had long to combat with this difficulty, that the northern and western estuaries, where the greatest harvest was to be reaped, adjoined the habitations of the wild race whose energies were directed to pursuits totally different from productive industry. After much legislation, the enterprising inhabitants of the other parts of Scotland found their way to the ocean-harvest which those nearest to it would not reap ; but whether the fishery was created by the extensive legislation expended on it, or by the natural tendency of the exertions of a people awakened by progress to all sources of hopeful energy, has been a question. At all events, when the great national Company began its operations, it merely looked at this source of enterprise, and did not attempt effectively to work it. It was already placed by legislation in responsible hands, and it possibly may have appeared that the prospects of successful management were not sufficient to make the new Company desirous to supersede others and undertake the task.

In the mean time the Company seem to have turned their practical attention to manufactures and other exportable produce. There are many transactions in their books which seem to show the infancy of some of our modern emporiums of manufacturing trade. It is visible in the distribution into separate groups, according to the convenience of living, the presence of raw materials, the means of manufacture, or the like, of the producers of

the several manufactured fabrics of Scotland. Thus there is a contract for smith and cutlery work at Falkirk, and for woollen stockings at Aberdeen. Other manufactures, then active, have decayed. At Perth there are contracts for gloves and other leather work—an old staple trade of historical celebrity there, which has now become insignificant. The manufacturing productiveness of Edinburgh bore then a much larger proportion to that of the rest of the country than it has held in later times. Many orders are arranged there for metallic work of various kinds; for hats, shoes, tobacco-pipes, serges, and linen-cloth, with a considerable supply of bobwigs and periwigs. Some parts of the Highlands producing home-spun and home-woven woollen check or tartan, there is an order for this commodity in Dunkeld. Men acquainted with the vast Highland forests meet with the committee, and inform them of the capacities of those pine-clad districts, almost as unknown to the citizens of Edinburgh as the forests of Kentucky, to supply well-grown timber suitable for a national navy.

But the beneficent influence of the Company appeared to spread beyond the sphere of manufacturing productiveness. They professed to do everything on a large, liberal, enlightened scale, in contrast with the beggarly parsimony that made the habits and transactions of their countrymen a byword. Their buildings, of which a melancholy fragment long remained, were to raise the character of domestic architecture.<sup>1</sup> They employed men of science to analyse commodities, examine machinery, and report on foreign productions. Their officers were numerous and well paid, and the projected expeditions promised a fine field to ardent young men of good birth, in the colonial

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<sup>1</sup> It stood near the Greyfriars' Church. It was but a wing or compartment of an intended range of buildings. Every observing eye that crossed it must have noticed its fine-cut stonework, and its symmetrical proportions, with high pitched roof of the Parisian pavilion style of Louis the Fourteenth's day. It was long used for a purpose called ignoble—yet solemn and sad enough—a hospital for pauper lunatics. When, in the course of recent city improvements, it was demolished, scarce a word was said for its preservation.

army and navy. Finally, banking was to be an item of the business transacted, but that was prudently dropped.<sup>1</sup>

While the Company proceeded to prepare a trading stock, the arrangement of their prospective colonies and factories was in progress. It elicited fierce hostility from the English companies; and in political circles in London there was a sullenness—a want of all approval or sympathy—which boded evil. Still the Scots, occupied with their own affairs, went busily on; and it was not until they commenced to extend the relations of the Company beyond their own country, that they met any considerable rebuff. They still felt seriously the want of sufficient capital for their vast undertakings; and they saw not why, though driven from England by the jealousies of the great trading corporations, they should hesitate to participate with friendly communities on the continent of Europe. They proposed thus to dispose of the English

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<sup>1</sup> It is a descent, perhaps, from the mighty services attributed to Paterson, yet I think it would be interesting to know whether he organised the book-keeping apparatus of the African Company, and, if not he, who it was that performed that remarkable piece of skilled service. The ledgers, journals, stock-books, and other records, demanded by operations of so vast and various a character as those conducted by the Company, are fine specimens of caligraphy and exactness. They have a perfectly modern appearance in the handwriting, in phraseology, and in the ranging of the figures—nay, even in the binding and the gigantic size. Except that they are slightly faded, they would not be known from the books of a banking concern at the present day. It might be curious to the historian of book-keeping to notice whether they contain any improvement on the best methods adopted at the time in English places of business. It is certain, however, that they are a wonderful contrast to the irregular and unscientific methods of keeping books then generally followed in Scotland, and must be considered a signal step in the art of recording business transactions, which probably prepared the way for the commencement of Scots banking. Having come rather on theoretical than practical grounds to the conclusion that these books were brilliant achievements in the art of double entry, I was confirmed in the view by the skilful accountants of two of the chief Scots banks, who examined them with critical eye. Having my own peculiar interest in these volumes, I felt gratified to see the active curiosity and warm interest shown by them in a practical examination of the method and working of the account-keeping of the great national Company.

stock unallotted, amounting, after deducting the £100,000 added to the Scots stock, to £200,000. A document, dated 6th September 1696, prepared in Latin under the inspection of a competent scholar, appointed some of the managers to be procurators or attorneys for negotiating an issue of stock, to the extent of £200,000, to be held by foreigners. While the negotiations were going on, Sir Paul Rycaut, the British resident at Hamburg, supported by the envoy to the Court of Lunenburg, addressed the council of burgomasters of Hamburg, informing them that the commissioners then in treaty with the citizens of their state, on the part of the Scots Company, were unauthorised by the king. The address was made in that haughty form to which the rulers of small free states are frequently subjected by the representatives of great free states; and the municipal senate were told that any definite arrangement with the Company would be counted by King William an affront, which he would not fail to resent. The memorial was sent by the senate to the assembled merchants, in their Hall of Commerce. They returned a short spirited answer, expressing surprise that the King of Britain should threaten to control them, a free people, from making their own commercial arrangements, and especially that he should restrain their intercourse with a body on whom he had bestowed distinguished privileges. The merchants agreed to open a subscription, but they cautiously appended the condition, that it should become void if the Company did not procure a declaration from the king, sanctioning their proceedings abroad.

This was the commencement of a long course of addresses from the Company and its office-bearers to the king, attended by remonstrances to the Scots officers of state. On the 2d of August 1697, a short answer to one of the addresses assured the Company that, on the king's return to England, the matter would come under his serious consideration; and that in the mean time the English representatives abroad would not use his majesty's name in obstructing the commerce of the Company. The Company waited impatiently, but in vain, for the

removal of the restraint and the enlargement of their capital, which they already felt too limited for their grand designs. When application was made to the residents, however, they declared that they had received no instructions on the matter. Over and over, when the application was repeated, until the end of the year, the same answer was received; and at last the agent of the Company told his constituents, that when he appealed to Sir Paul Rycaut, he seemed to insinuate that his private orders from the Government were still to oppose the objects of the Company.

Behind the mere increase of their capital, there were deeper projects involved in the Continental negotiation and lost by its failure. Thus it appears that, with the aid of the indefatigable Armenians, the Company contemplated planting a joint commerce in the peninsula of Hindustan, in the very centre of the undertakings of the English East India Company. But the cautious Armenians would accept of no doubtful guides; and, seeing the Company disowned at the European courts, tacitly withdrew their conditional proposals.<sup>1</sup>

In the result of these negotiations, and in other matters connected with foreign affairs, Scotland felt her secondary position. An ambassador was, by the understanding of European diplomacy, the representative, not of the state, but of the king. The minister sent to a foreign court by William represented him in his entire sovereignty over both England and Scotland. But the representative was an Englishman, selected to support English policy, and especially the interests of English trade. He had no more to do with Scotland than with Denmark or Sweden; and would feel it his duty, in the absence of special instructions, to further the objects of his own countrymen, though founded on the ruin of the other state, of which he was the nominal representative. This grievance sug-

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<sup>1</sup> As the negotiations with the Armenians had to be conducted through the perilous medium of a merchant residing in Amsterdam, there are but faint traces of it, and it seems never to have been publicly known in Scotland. An outline of the terms proposed by their agent, Martin Gregori, is in the "Darien Papers."



gested to Fletcher and his friends the propriety of demanding special representatives for Scotland in foreign embassies. Had the residents on this occasion been commissioned from Scotland, they would have been amenable to the Scots Parliament and Privy Council for their conduct ; but, as the matter stood, they could only be spoken to through the king himself. He, to all attempts by the Company, by petitioners and addressers, by private applicants, and finally by the Scots Parliament, preserved the policy of silence. That he saw with concern, amounting to the deepest grief, the difficulties which were thickening round his northern kingdom, was afterwards apparent ; but, whether from wisdom or the obduracy of his Dutch nature, he long effectively baffled every attempt to extract from him either an act or an opinion. The Scots Secretaries of State, whose office it was to present addresses and obtain answers, were sadly disturbed in spirit between their duty to a strong legislature demanding an answer, and their deference to the monarch who would not give it, yet must not be compromised in the eyes of his people. At length, in February 1699, an acknowledgment was obtained, but it was dubious and ominous. It referred to the expedition which had been sent to America, and intimated that his majesty must delay his answer to the addresses until he receive information about the intended settlement, the nature of which had not been communicated to him.<sup>1</sup>

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<sup>1</sup> Most of the documents immediately above referred to will be found in the "full and exact collection" already mentioned.

## CHAPTER LXXXV.

### DARIEN AND THE UNION.

THE COLONISING PROJECTS OF THE AFRICAN COMPANY—PATERSON'S IDEA OF A FREE PORT FOR ALL THE WORLD IN THE ISTHMUS OF PANAMA—DARIEN CHOSEN AS THE SITE OF A COLONY—THE DEPARTURE OF THE FLEET—THE SETTLEMENT—MISMANAGEMENT—CLAIMS OF THE SPANIARDS—THE SCOTS TREATED AS BUCCANEERS—COLLISION WITH THE EUROPEAN POLICY OF ENGLAND—CALAMITIES TO THE FIRST COLONY—THE SECOND EXPEDITION—A VISITATION OF CLERGY—ATTACKS BY SPAIN—A VICTORY OVER THE SPANIARDS—FINAL SURRENDER AND CALAMITIES—THE EFFECT OF THE WHOLE ON THE TEMPER OF SCOTLAND—THE KING'S DIFFICULTIES—HIS DEATH—MISCELLANEOUS MEASURES OF HIS REIGN—BANKING SYSTEM OF SCOTLAND ESTABLISHED—LAW OF BANKRUPTCY—PARISH SCHOOL SYSTEM PERFECTED—THE SCOTS HABEAS CORPUS ACT—ACT FOR THE PREVENTION OF THE GROWTH OF POPERY—THE TRIAL AND EXECUTION OF AIKENHEAD.

To the calamitous history of the one instance where the African Company carried out its great colonising ideas we must now look. It is this part of the Company's history that is, properly speaking, "The Darien Expedition," though the name of Darien has popularly been applied to the national corporation, of which it was one out of many schemes. The Company's Act of Parliament enabled them to found colonies; it was mainly with this view that the association was formed, and there is little doubt that ere they came before the public with their proposals. Paterson and his friends had fixed upon the place where the settlement was to be. We find that at the very com-

mencement of their proceedings, the Company express their obligations to him for his costly plans and charts, reports, negotiations with the natives, and other documents connected with a suitable place of settlement, and recommend them to be sealed up and kept secret until the time for acting on them.

Paterson's project has, even when seen through the disheartening atmosphere of failure, an exciting grandeur at the present day. It was his design to found the great Scots colony on the well-known Isthmus of Panama. The peculiar narrow neck uniting the two great continents of the New World has, in later times, fascinated projectors, from its peculiar trading susceptibilities, suggested by a glance at its position on the map of the world. It seemed but a slight barrier dividing the one side of the globe from the other; and whoever could acquire the command of its passage would occupy the greatest thoroughfare of nations, and might be said to hold the key of the commerce of the world. Here would naturally be concentrated the mutual trade of the two coasts of America—of the Atlantic and the Pacific. Much more—it would be a stage in the shortest means of communication from Europe to China and Japan, and the unknown regions of the Eastern seas. In later times it has been prophesied that the Panama railway shall open a new track to New Zealand and the Australian colonies. The availabilities of the Isthmus of Darien, which inspired the ardour of the Scots London merchant a hundred and eighty years ago, are still a deeply interesting and often excited problem unsolved.

The project, as explained by Paterson, had a generous and fearless liberality, standing in noble contrast with the restrictive spirit of the period. It was to be free of the narrow policy of British commerce, and utterly in contrast with the exterminating exclusions of the Spaniards. It was their policy, when they opened a trade, to exclude from the faintest participation in it every living being—to keep even the very place where it was pursued a secret. To accomplish their object they did not shrink from any crimes or cruelties; and instances were re-

corded of the whole crews of vessels being put to death because they had innocently and accidentally crossed the line of Spanish traffic. Paterson called on his countrymen utterly to reverse this policy,—to open the advantages of their commerce to all the world, and to enrich themselves, not by making the rest of mankind poor, but by leading the universal march onward. The vessels of all Governments were to be free to the new ports, contributing only their proportion to the revenue of the establishment; and thus the merchandise of all nations was, in that favoured spot of the globe, to be accumulated without restriction or distinction. Scotland was calmly to take her seat as the great monarch of commerce, showering the blessings of abundance around her, and secure in the effective beneficence of her unenvied dominion,—a bright vision rudely and rapidly dispersed by hard realities.

The Company purchased some vessels from the Dutch. They were fitted out as ships of war; for, as we have seen, their constitution authorised them to make war both by sea and land. It was on the 26th of July 1698 that the fleet of three vessels, with 1200 picked men, as the first expedition, sailed from Leith, amid bright sunshine and the plaudits of a vast assemblage. On the 4th of November they landed at a projecting point on the Gulf of Darien, which had been previously designed for their fort and settlement. It was a long peninsula edged with rock, stretching southward nearly half-way across the gulf, and united to the mainland at the north by a narrow neck of land easily fortified. At the western point they built a fortress to command the gulf, and the buccaneers who visited the spot commended it for its strength, one of them terming it “a very crabbed hold.” The peninsula was occupied as the fortified centre; not as an industrial settlement, for it was arid and unfruitful. An indefinite district, stretching inland, was to form the colony, and be called New Caledonia. Two sites were marked for towns; the one to be called New Edinburgh, the other New St Andrews. The weather was genial and healthy at the time of their arrival; the vegetation was luxuriant and

promising ; the natives were kind ; and everything smiled upon the fortune-seekers.

But the concealed elements of failure were at the heart of the undertaking. England, perhaps, knew little then of the art of colonisation, in comparison with her later acquisitions ; but Scotland knew nothing at all. And however ignorant they might be of others, there was one colonising department in which the English were very expert—the trading—in which their neighbours were but children. From the manufactures which had been conducted under the auspices of the Company, the vessels were freighted with an extensive assortment of goods ; but they were taken out at hazard, without a definite market, or any specific knowledge of the purchasers who were to relieve the emigrants of their load.<sup>1</sup>

They had no political organisation or arrangement for government and the preservation of order. The proper colonial policy for an empire to adopt towards infant dependencies may be yet subject to much dispute ; but all who have looked to the question will unite in saying that the policy of leaving them to chance is the worst of all. It was the defect of the early British colonies in general that the adventurers were too much left to their own will, and too little subjected to central check or control. They thus confounded the rights of personal property with the right to govern, and made laws affecting the interests of other people, and of the public at large, in the same absolute and unhesitating way in which people deal with their own property. Hence came a long series of local tyrannies and exclusions, including that monster iniquity, the establishment of slavery. The leaving the settlers thus to exercise their own will in any tyrannous form they might desire, was called freedom, and the licence to manage their own affairs. It was a licence to do whatever was cruel and unjust ; and it was under it that the

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<sup>1</sup> Among the commodities which the invoices of the vessels show, are axes, iron wedges, knives, smiths,' carpenters,' and coopers' tools, barrels, guns, pistols, combs, shoes, hats, paper, tobacco-pipes, &c. The value of the cargo of one of the vessels, the *St Andrews*, was estimated at £4006.

New Englanders, having taken a dislike to broad-brimmed hats and a particular form of personal pronouns, hanged every Quaker who attempted to walk their streets.

But dangerously unbridled as the English colonies were, the most chaotic of them was scarcely so uncontrolled as the new Scots settlement. It had no official connection with the Government. The Indian and African Company was an independent body appointed by Act of Parliament, and it brought into existence and ruled the colony. Seven gentlemen were appointed to act as the council and governors of the new state, with full power to appoint all officers, civil and military, by sea or land. When they arrived, these seven gentlemen were utterly at a loss what to do, and occupied themselves each with giving orders and counteracting those of his colleagues. They could not act collectively, and their mutual jealousy would not let them give supremacy to one. Necessity drove them to the election of a president with temporary power; but they had already begun to divide into bitterly hostile factions, and their fear of party ascendancy would not permit them to appoint a president for a longer period than a week. Each was thus supreme for a week in his turn, and generally made it his primary duty to undo whatever his predecessor had been doing. Along with some political enthusiasts, and some men of rigid piety and virtue, there were among the adventurers men of another stamp, hardy sailors, with consciences as rough and weather-beaten as their frames, whose experience of these seas was gained among the buccaneers—pirates, in short, who were ready to commit any act of blood or rapine. These “tarpaulins,” as Paterson called them, had that ascendancy which the bold and reckless ever have in undisciplined camps; and their influence, aided by the fascination of a wild lawless life, was diffusing the same character through the adventurous but heretofore respectable young men, who, under good restraint, would have been the strength and ornament of the colony.

Such were the internal evils of the colony, and now something must be said of the external. Paterson and his friends were not the only persons who had cast longing eyes

on the Isthmus of Darien. Its very reputed value made its peaceful possession unattainable, except by some state transcendent among the great powers. If it were open for colonisation, France intended to occupy it, but in the mean time Spain said it belonged to her. The Scots maintained that the place selected by them was at all events unoccupied by Europeans, so that they were free to obtain a settlement there by permission of the natives,—and so they did. They quoted Puffendorf and Grotius, and might have made out their claim had they been backed by the fleets and armies of Oliver Cromwell or King William. It was the worst spot, however, which adventurers, not only unsupported, but even under the frown of their sovereign, could have selected for their purpose. Appearances were much against them when they stated that there was no Spanish occupancy. There might be no Spaniards on the spot, but it was in the very middle of their settlements. On the one side was Cartagena, upwards of a hundred miles off, it is true, but at the opening of the Gulf of Darien; at its opposite extremity, and much nearer to the Scots settlement, was Portobello; and at the other side of the isthmus was the considerable city of Panama.

Nor was this all. If the Spaniards deserted the intermediate territory, it was because they were driven out of it by those savage buccaneers and *flibustiers* of whom they held the Scots adventurers to be but a new gang. Thirty years had not elapsed since the celebrated Morgan, with a band of the wildest dare-devils and ruffians that were ever made in the shape of man, had swept over the isthmus, and seized the city of Panama, burning, robbing, violating, and slaying, till they were tired. In 1680, Captain Sharpe, landing in the very place where the Scots had made their settlement, started with another gang on a similar errand, and with the fierce energy of his northern warriors, swept the Spaniards before him, as they themselves had, in the previous century, the gentle Peruvians. Sharpe, Ringrose, and the others who had made similar inroads, maintained, like the Scots, that they had made terms with the Indians; and Sharpe, when

tried for piracy, was impudent enough to maintain that he was in the service of an Indian prince, who had employed him and his followers to avenge wrongs suffered from the Spaniards. It happened that the Scots colony, immediately on their arrival, were received by the very same prince or chief, who ominously welcomed them as his old friends the buccaneers, for whom he had a high admiration.<sup>1</sup>

The parallel between the two was unfortunately very striking. The freebooters almost always professed to have cre-

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<sup>1</sup> Sharpe coolly begins his journal by saying,—“On Monday the 5th of April, in the year 1680, I landed at Golden Island with my company, to the number of 330 men, with a full design to go and attack the town of Santamaria.” The chief with whom Sharpe allied himself was Captain Andreas, of whom the following account is given by the Scots colony:—“On the 27th of October our ships came to an anchor in a fair sandy bay, three leagues west of the Gulf of Darien; upon which two canoes, with several Indians, came on board, were very free with our men, and told them they had been long expected, and were very welcome. Our men gave them some old hats, looking-glasses, and knives, with which they were extremely well pleased, and went off. When our ships went farther into the bay, they saw about twenty Indians drawn up on the shore, being armed with bows and lances; upon which a boat being sent ashore, and making a signal of peace, they unstrung their bows, talked familiarly, and told our men that two great captains would in a little time come on board our ships. Accordingly, on November 2d, in the morning, Captain Andreas, one of their princes, accompanied by twelve men, came on board and asked our business. He was answered that we came to live among them, and trade with them, and would afford them European commodities cheaper than any other people. He asked if we were friends or enemies of the Spaniards; and was answered that we were at peace with all men, and would make war on no man unless they injured us. He took us for buccaneers, and told us he knew Captain Swan and Captain Davis in the South Sea, and commended them as men of valour. We heard that part of his discourse with very much coldness, and told him we came on no such design as those men did, but had authority for what we undertook. We treated him civilly, gave him a hat laced with gold, and some toys; and so he parted, promising in a little time to come again, which he accordingly did, and brought Don Pedro, another of their princes or captains with him.”—*Defence of the Scots Settlement at Darien*, p. 75. Andreas had held a commission from the Spanish Government, a circumstance that might have made the colonists at least suspect that the Spaniards had some ground for pleading previous occupancy.



dentials from some prince or state, but never were acknowledged by its diplomatic representatives ; and this was precisely the position of the Scots. They presented to the Spanish authorities an Act of the Scots Parliament—a document not likely to be very convincing—and those to whom they offered it scornfully tore it, and threw away the fragments. At the same time, if the English king's representatives did not insinuate anything against them—as they were charged with doing—they yet did not befriend them as subjects of their king, embarked in a legitimate enterprise. While the colony sent courteous official letters to the governors of the neighbouring Spanish settlements, their conduct bore, in other respects, a suspicious resemblance to that of their predecessors. One of the native Darien chiefs, with whom they were allied, and who was called Don Pedro, sent to demand their assistance against an invasion of Spaniards. A small detachment was sent up, who, like the little bands of buccaneers, routed the enemy at once, with only a few casualties. The colonists deemed this equivalent to the protection of their own territory from the Spaniards, who threatened to drive them forth ; but, of course, it was viewed in another light by their opponents.

It happened that, early in March, a tender of fourteen guns, belonging to the Company, passing Carthagena, struck on a rock, and required to run into the bay. Captain Pinkerton the commander, and the crew, were immediately seized and put in irons as pirates. The Scots at home, when they heard of the event, were furiously indignant at the inhospitable seizure of gentlemen of position and good family. The Spaniards, on the other hand, congratulated themselves on the capture of a few of the ruffians who had been the terror and curse of their settlements for a century. They were formally condemned to death ; and on a representation of their sentence to the English authorities, it was deemed a service to draw attention to their accomplices in Britain—namely, to the Duke of Hamilton, the Marquis of Tweeddale, and other subscribers to the project. The Spanish minister represented that the offences of these men, if truly they

were, as they seemed to be, accessories to a piratical expedition, should, for the sake of the tranquillity of Europe, be properly visited.

British intervention prevented the sentence on the crew from being executed ; but, in the mean time, the colonists resolved on immediate vengeance for this insult, which was aggravated by the contumelious treatment of a flag of truce, sent to make explanations and demand satisfaction. By their Act they were authorised to defend their commerce by force, and to make reprisals when attacked. Under this authority they declared war against Spain, a country with which King William was at peace. They now lost no opportunity of seizing every Spanish ship, and obliterated, in the eyes of that nation, any distinction that might have remained between them and the buccaneers. Nay, it must be confessed that a strong tinge of the piratical spirit now began to be infused into all their movements. The means of peaceful occupation were not presenting themselves—they were hemmed in by hostility. Some of them had previously been connected with the buccaneers, and the original wild beast took possession of their natures when they smelt blood. It appears that in one instance they had even seized an English vessel, mistaking her for a Spaniard ; and when they discovered their mistake, were unable to prevail on themselves to let go the prize.

There had been a treaty between Great Britain and Spain for the suppression of the buccaneers. Before this treaty, the British Government had done nothing to restrain them, under the plea that they were outlaws whom no Government acknowledged as subjects. The treaty, however, made the Government responsible for the conduct of those who were of British origin. In May 1699, the ambassador-extraordinary from Spain, in London, presented a solemn memorial to the Court, representing the settlement of the Scots as a seizure of territory in the centre of the King of Spain's Indian dominions. Here was support only too powerful to the machinations of the English trading interest. The unfortunate enterprise threatened to break in on William's deeply meditated

plans of European policy. A worse juncture could not have occurred for an incidental and unpremeditated disturbance of his relations with Spain. It was the time of the nervous and perilous diplomacy of the Partition Treaties. King Charles II. of Spain was childless, close approaching a premature grave; and the monarchs of Europe were awaiting the moment to pounce upon his vast inheritance. Though as imbecile in mind as in his scarcely animated frame, it was believed and feared that whatever declaration for a disposal of his territories, in the shape of a last will, could be extracted from him, or made to appear as his, would weigh strongly in the balance of competition. Recourse was had to the basest arts to influence his mind—arts which might truly be termed diabolical, since the greatest statesmen hesitated not to invoke the powers of darkness, whether as believing in their supernatural efficacy, or trusting to their terrific influence on the departing monarch's fading mind.

It was not for the decorous champion of moderate Protestantism to participate in such machinations; but the result, carefully watched by him, was of the utmost moment to his plans for humbling France. It was a matter in which he had to assume a diplomatic attitude, calm but resolute, and prepare for ultimate action. And to find that a wild adventure, offensive to the most powerful and respectable of his own subjects, should affect his sensitive foreign relations at such a juncture, was an incident untoward enough to disturb a temper more placid even than his. Before the solemn memorial from the King of Spain had been presented, notice had been sent to the governors of the English colonies in the West—New York, Barbadoes, and Jamaica—warning them that the expedition had not the sanction of the king, who was ignorant of its specific objects. The governors found, that acting up to the utmost severity on such a hint would be very acceptable to these colonists, and would be deemed conducive to the interests committed to their own charge. They issued severe proclamations, as if the Scots adventurers had really been a band of pirates, prohibiting all subjects of the English Crown from giving them assistance or hold-

ing intercourse with them. These proclamations, after they had borne cruelly on the adventurers in their ultimate distress, were disavowed by the home Government. Yet, had the Darien emigrants continued in a successful and combative condition, it is difficult to say how far the king might have found it safe to discourage any severity shown by servants of the English Crown to the adventurers. A rumour spread, and was noticed with deep grief by Paterson, that they were to be denounced as pirates, and left with this character to the vengeance of the Spanish and French. But their own recklessness, and calamities beyond human control, undid the difficulty so far as it lay in foreign relations, and rendered those who had caused it objects of sympathy and compassion to the least partial of their fellow-subjects.

Among the other blunders connected with the whole affair, there was a total neglect to provide for the infant colony receiving instructions, and if need be assistance, from home. From their arrival, in November 1698, they waited month after month, until June of the ensuing year, expecting papers from Scotland, but receiving none. It had been a year of scarcity; and at that time a deficient harvest affected Scotland almost as terribly as it has often smitten Ireland in later times. It was carelessly believed that the colony had departed towards prosperity and abundance—a too common view for those who remain at home to take of those who emigrate; and anxieties nearer home made the directors delay the proper supplies.<sup>1</sup> It was supposed that they could, at all events, obtain food by the sale, or on the credit, of their merchandise; but much of it was damaged, and for the rest there was no market. They began soon to feel the pressure of hunger. Then the evil influences of the country and climate began

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<sup>1</sup> In a despatch dated 24th February, which was delayed in its departure and did not reach the emigrants until it was too late, the directors say: "We have had scarcity of corn and provisions here since your departure hence, even to dearth, and poverty of course occasioned thereby, which, to our regret, hath necessarily retarded us in our designs of sending you such recruits as our inclination did prompt us unto."

to work. All that is deadly in the pestilential elements of tropical America seems on that isthmus to be concentrated, as if the virulence increased with the narrowness of its area. It has heretofore defied Europeans permanently to settle in it. Narrow as it is, its forests are pathless ; its dense shroud of matted and rotting vegetation, with all its animate and inanimate horrors, is undisturbed by the operations of man ; and even the Panama railway seems to leave it a question how far the resources of the nineteenth century are to conquer the difficulties of this formidable pass.

Between pestilence and starvation, the colony found their numbers rapidly thinning. After their fortifications and huts were finished, they were to go in search of gold deposits, and on other adventurous schemes ; but they were immediately arrested by the gloomy task of burying their dead. This drove farther adventure from their thoughts. The spirit of faction and division which had cursed them from the beginning grew fiercer, and a plot was detected among some of the discontented for seizing the best of the vessels and arms, and deserting the colony. In spring, death looked them all in the face should they remain, and they resolved to desert the settlement, carrying with them as much of the arms as they could, but without undergoing the fatigue of dismantling the forts. Unwilling to part with their ships, they distributed themselves into three vessels, which, from the number of the sick, and the feebleness of the healthy, they could but imperfectly man. They had no more definite object than, in their own words, to reach the first port Providence should send them to.

Of the vessels which started in June, two reached New York, the one on the 8th, the other on the 13th of August. Each had lost above a hundred men on the voyage, and the remainder were so exhausted that daily some died after their arrival ; and it was the remark of those who saw them, that there was not enough of strength among them to man one small vessel. The ships had, in fact, been drifted towards Sandy Hook, and one of them, mastless, was little better than a wreck. The New York settlers

could retain but little of their old dread of trade rivalry against the miserable fugitives now drifted to their door; and yet, after the proclamations that had been issued, it became a question of difficulty, since the governor was absent at Boston, if it were safe to provide the dying men with harbourage and necessary food. Though natural feelings overcame the technical difficulty, the more selfish and timid would have stood aloof and let fate take its course; and there were a sufficient number of these to make the more generous feel that their efforts to save life were not made without risk. In Jamaica, where the third vessel arrived, the sterner principle seems to have actually prevailed, and in the presence of the governor, and of a British admiral whose illustrious name is ill associated with timidity or cruelty, they seem to have been abandoned to unauthorised and uncountenanced private charity.<sup>1</sup>

It was just when the colonists were preparing to flee from pestilence and starvation, that the Company at home was fitting out a second expedition. Two vessels were despatched in May, and four others before the middle of August. They contained the provisions that should have been sent earlier; and the despatches show the nature of the high hopes still entertained, for several skilful men are sent out in various departments of colonial occupation,

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<sup>1</sup> Captain Colin Campbell writes to the Court of Directors from Port-Royal, 18th August 1699: "After the loss of Captain Penycook, and most of our sea-officers, and a hundred and thirty or forty of our men, we, upon the 9th of this instant, made the leeward part of this island, and not being able to make this place, I was necessitated to carry the ship to Bluefields, and made it my business, with all possible haste, to wait upon the governor; and accordingly I was with him yesterday, and acquainted him of all possible circumstances, but he could by no means suffer me to dispose of any goods for supplying my men, although they should starve. Then I came to this place to advise with Doctor Blair, but he is so indisposed that there is no access to him. In the next place I waited upon Admiral Benbow, and applied to him for some men to assist in bringing the ship here (she not being safe where she is), but was refused; so that I know not in all the world what to do, for I am certain the seamen will play the devil, and will mutiny, for they have not a week's bread."

and among them are two expert in the refining of gold.<sup>1</sup> In September a third expedition was despatched, and had just cleared out, as faint, incoherent rumours reached the directors, from circuitous sources, of the calamity that had befallen the first. It consisted of thirteen hundred men, who took with them stores of merchandise and provisions. So little were the Company prepared for the evil tidings then on their way to Scotland, that they commissioned a vessel to find out a site for a second colony on the western coast of Africa.

The first rumours of disaster taking the natural shape that the colony had been frightened away by the Spaniards, known to be preparing an expedition against them, was received with angry incredulity, and denounced as a weak invention of the jealous English. When the abandonment was confirmed beyond all doubt, and it was believed that fear of so pitiful an enemy as the Spaniards had caused it, the nation vented itself in scornful indignation against those whose despicable spirit had brought dishonour on a heroic land, and the new emigrants were earnestly besought to redeem the character of their country. The insidious conduct of the English colonial governments—the obdurate silence of the king, who regretted the loss, but who, after repeated addresses, could be got to promise nothing specifically, beyond a negotia-

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<sup>1</sup> The Company procured authority to coin their own gold with their own stamps,—a vain privilege ; for though close to the modern realisation of El Dorado, all good fortune slipped past them in this as in every other of its elements. It is due to the character of Paterson and his pupils, however, to say, that so far as their promulgations were concerned, they did not offer the colonists unlimited riches, found in gold-fields, without exertion ; or invite their countrymen to this, the most tempting, most capricious, and, for all that has lately occurred, least permanently remunerative object of emigrant adventure. In one of the despatches to the directors, it is stated : “ That which is called gold dust is indeed very thick here, particularly at our watering-place, in and about the water. But it proves nothing at all but shining stuff,—verifying the proverb, ‘ ’Tis not all gold that glitters.’ Among the natives we find nothing of gold or silver, save a few nose-jewels such as you have seen ; and scarcely amongst them all we have found as much as one ounce of gold in mass or liquet ; but of the dust or ore not one grain.”

tion for the release of the persons condemned as pirates—created a spirit of burning wrath. To their common business documents the Company communicated a hostile and angry tone. Instead of abandoning the enterprise in despair, they fitted out an auxiliary expedition, with warlike instructions, and a tried old soldier, Campbell of Finab, at its head. They were instructed to join with the second expedition, which had started in ignorance of the fate of the first, and to retake the settlement by force, for it was supposed to be in possession of the Spaniards. They received special instructions, with an eye to England, not to let their flag be insulted by that of any nation, and to pay no heed to any documents, though professing to issue from the royal authority, unless they were countersigned by a Secretary of State for Scotland.

The arrival of the second expedition was a scene of the bitterest disappointment and depression. Instead of being received with old Scots hospitality by a prosperous, happy community, the numerous graves were the main object that attracted notice. The fort was destroyed and the huts burned down; while, instead of being converted into smiling fields, the thick masses of tropical vegetation scarcely bore the mark of man's improving hand. Gradually they were joined by a few of the deserters, and in winter the friends who had left Scotland in autumn arrived. All, however, were evidently under desponding influences. They lived chiefly in their vessels, dreading the insalubrious nature of the land; and it is difficult to see how they kept themselves in occupation. Deadly quarrels and feuds appear to have been their chief occupation. Again they found that blunders had been committed in the victualling department, which forced them on short allowance. This brought discontent and mutiny. The accusations which these men, thus forced to live in close community, levelled against each other, were of the most serious and exasperating character. It was even maintained that a plot was laid by the most desperate men among them to seize on five hundred of their fellows, and sell them as apprentices or slaves to the French and Spanish planters, a practice familiar to the buccaneers.



A new element of discord accompanied this instalment of the colony, in two clergymen who accompanied it. In the first expedition, the spiritual interests of the emigrants had not been forgotten, although these, along with the more material means of wellbeing, received too little attention from people who believed that their whole march was to be a triumph. Two ministers of the Church of Scotland accompanied the first expedition. They died early and unnoticed—indeed, only a familiar acquaintance with the papers of the Company would let one know that such persons had been connected with it. Many worthy people at home attributed the failure of the first expedition to the absence of spiritual superintendence, and spoke of the calamities of the adventurers as the judgments appropriate to those who had associated themselves together in the wilderness without allying themselves spiritually with the true Church, by arrangements for presbyterial superintendence.

This was now amended, and the colony was made a Presbytery. But, as if every step were doomed to be a blunder, the appointment of the clergymen was made on the worst possible principles for the peace and temporal welfare of the flock. Among men of rough habits and questionable morality, who looked on a departure from their native country and its strict clerical discipline as a blessed release from the dominion of cant, it would have been wise to select spiritual guides conversant with the world, experienced in the amount of clerical restraint which restless adventurous men will bear without breaking through it, and capable of genially mingling with their rough neighbours without sacrificing the sacred dignity of their office. The clergymen sent out to the colony were, however, stern fanatics. They were, in fact, selected from those ministers of the Church of Scotland who had the strongest sympathy with the Cameronians, and who had taken refuge in the Established Church, with the moderation of which they had no sympathy, merely to protect themselves from the slavery of ministerial connection with their hard lay taskmasters.

The antagonism between these pastors and their new

flock was extravagant and fatal. Men who had all more or less a tendency to fling off every corrective bond,—who were wild, self-willed, disorderly, and reckless,—were taken in hand by stern fanatics, who would tolerate nothing diverging a shade from their own code of principles. They treated the adventurers as persons under their spiritual authority, and required of them fastings, humiliations, and long attendance on sermons and exhortations. Such pastors were treated with contempt and ignominy by men scarcely inclined to bear ecclesiastical authority, even in its lightest form. They had been sent to give the adventurers the services of Christian counsellors—to sustain them with hope in their difficulties—to lead them gently, and with solemn dignity, from their errors. They fell upon the persons to whom they were thus commissioned like irritated schoolmasters who find their pupils in mutiny. They became angry and dominative; and the more angry and dominative they showed themselves, the more scorn and contumely they encountered. So unfortunate had been the selection of the branch which she sent to the national colony, that the Church of Scotland did not escape the suspicion of having attempted to get rid of her most troublesome members by this honourable banishment.

But arrangements were now in progress for extinguishing all these internal discords, in the final overthrow of the colony. The Spaniards were, with their usual deliberation, preparing an armament on the other side of the isthmus, which in due time was to close around and destroy the little settlement with its massive pressure. The rumours of these formidable operations revived the old national spirit in the wanderers; and the flame of military ardour, burning high above their petty irritations and discontents, moved them to one last act of heroic enterprise, which cast a lustre on the dying days of Scotland's first and last colonial hope. The combative spirit of the clergy even turned itself against the common enemy, and the Reverend Alexander Shields, reviving his old Cameronian recollections at the sound of battle, urged on the combatants, and sternly denounced the

languid few who muttered caution and peace. Campbell and his followers resolved to single out and attack one of the detachments concentrating against them, however unequal might be the numbers.

We have, of course, none but national accounts of an affair, which, in Edinburgh, was received with tumultuous rejoicing. The feat, according to these accounts, was an exact parallel to the daring onslaughts of the buccaneers. The Spanish force selected for attack was stationed under Don Balthasar at Tubacanti, on the river Santa Maria—a district now well known to fame. By some accounts it was rated at 1500 men. On the 5th of February 1700, Campbell set forth to cross the isthmus with 200 Scotsmen, all that had withstood the influence of the season. The hardships of such a transit are well known. On the third day the exhausted expedition descended the mountains towards “the pleasant south sea;” and, unable to ascertain the number of their enemy, resolved that their only duty was to storm the post. Scarcely meeting their tumultuous rush, the Spaniards fled according to wont, leaving a large number of dead; and the little band brought back among their spoil the commander’s decoration of the Golden Fleece.<sup>1</sup> In three days they recrossed the mountains, to find their poor colony blockaded by five men-of-war. Campbell and others, who, inheriting the old contempt of the Spaniards, believed that no inequality justified submission to such an enemy, were for standing out. Finding that they could not carry a resolution to resist an indefinite force, among diseased, starving, broken-hearted men, they managed dexterously to escape in a small vessel, leaving the submitters to settle the negotiation; and it was a received popular opinion in Scotland, that none of those who were concerned in the sacrifice of the national honour ever reached their native country.

Edinburgh was just about to blaze with an illumination for the victory at Tubacanti, when the surrender was

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<sup>1</sup> Besides the Darien Papers, accounts of this affair are given in Nisbet’s Heraldry, i. 147; and see Carstairs’ Papers, 613.

transacted. On the 18th of March, a minute of the council of the colony intimates, that the motion being put whether they should capitulate to the Spaniards then besieging them both by sea and land, it was unanimously carried that they should capitulate. They made terms with the governor of Carthagená, and left the settlement. The false expectations and general mismanagement were conspicuous to the last. Two vessels containing farther detachments to join the colony, arriving after it had departed, narrowly escaped seizure by the Spanish garrison, whose flag was hoisted on the fort. The capitulation which followed the little victory was virtually the destruction of the great Indian and African Company of Scotland, as well as of the particular colony which it attempted to plant. The Company still continued their trading operations, though on a feeble scale. We shall hear of them again in connection with the national events to which the fate of the expedition, and the calamities of the Company, gave origin.

The wrath of the nation deepened day by day as this lamentable history in its several stages reached home. If we go back to the fundamental ground of the national indignation, we find it to rest on nothing more noble than the loss of money by the failure of a joint-stock speculation—a vulgar source of discontent with which the world is sufficiently familiar. But it was a loss accompanied by tyrannical and tragic incidents. More material still, it touched the sense of national independence, and was believed to be caused by the oppressive jealousy of a powerful neighbour, against whom the people of Scotland had fought for independence through centuries of contest.

Looking back to the events in Scotland which responded to the colonial tragedy, when Seafield, the Commissioner, went to open the Parliament, held in the midsummer of 1698, we find him rejoicing in his brilliant and popular reception. Many days did not pass, however, before these happy auspices were overcast by the progress of that bad harvest which made a famine winter, and by the rise of an opposition founded on the conduct of the

English Government towards the Darien Expedition.<sup>1</sup> In the election of the several committees for transacting business, the Government were only victorious after a rough contest ; and the Commissioner writes to his friend Carstairs in subdued satisfaction, that after "the greatest pains, toil, and fatigue in the world," the Government had succeeded in keeping such conspicuous members of the new rising Opposition as Lord Tullibardine, Lord Belhaven, and the Marquis of Tweeddale, excluded from these important bodies.<sup>2</sup> On the 1st of August there arose the earliest decided symptoms of a parliamentary battle on the great question. The first expedition had just sailed. The dubious silent policy of the king on the complaints about the conduct of his representatives on the Continent, was receiving an unpleasant explanation in rumours that he was to disown the Company and its expedition. To counteract these causes of uneasiness, or bring them to an avowal, a proposal was made in the Estates formally to renew and sanction the powers and privileges of the Company. A division was for the time evaded, and the Commissioner soothed the Opposition with dubious hopes and exhortations to be patient.<sup>3</sup>

Ere Parliament assembled for the transaction of business in 1700, they found the nation enraged, by the disasters of the first colony, the proclamations of the governors of the English transatlantic settlements, and the king's continued obduracy. Early in the year the council-general of the Company, consisting of the directors appointed by Parliament and the representatives of the stockholders, resolved to address the throne. Their appeal was committed to Lord Basil Hamilton, a young nobleman ardently attached to the Opposition. He wrote back to say, that he had been refused an audience, with marks of high disapprobation towards his own personal conduct. The country learned with gathering wrath, that a young nobleman of popular character and manners had been denied a usual privilege of his rank, because he

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<sup>1</sup> Carstairs' State Papers, 384 ; Marchmont Papers, iii. 165.

<sup>2</sup> Carstairs' State Papers, 397.

<sup>3</sup> Carstairs' Papers, 414

represented the great national institution on which Scotland's hopes were based.

A project now arose to send a general national address to the king, desiring him to submit the affairs of the Company to a Parliament. It was met by a proclamation against addresses, singularly at variance with the constitutional principles supposed to influence the Revolution Government.<sup>1</sup> But the spirit of national opposition was not only widely spreading and deeply rooting itself among the people, but was rising into unaccustomed quarters. The address was not only signed by many of the territorial aristocracy, but by judges and other placeholders, who seemed to challenge the Government to visit them with the consequences of insubordination—a symptom held to indicate that they were prepared to throw their stakes rather on the strength of the nation than on that of the Government.<sup>2</sup>

The address was presented on the 25th of March by the Marquis of Tweeddale and other men of political standing. The account circulated among the eager Scots was that it was received with a haughty coldness approaching to contempt.

The Parliament, however, met in May. Queensberry the Commissioner, and Marchmont the Chancellor, made speeches about the deliverance worked by the Revolution, the deep debt of gratitude due to the king, his great war-like services in the cause of the Protestant religion and the peace of Europe ; and the impolicy of urging, at one of the most delicate junctures in the diplomatic position of the Continental powers, any views or projects calculated to weaken his majesty's influence by creating divisions among his people. An address from the African Com-

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<sup>1</sup> It appears that the issuing of the proclamation was carried in the Privy Council only by 13 to 10.—See Marchmont Papers, iii. 194.

<sup>2</sup> See the Marchmont Papers, iii. 192. In a document among the Darien Papers, Haldane of Gleneagles, the chairman of the Company, says : "The address was subscribed by several Lords of the Session, by the whole Facultie of Advocats, by the Merchants and whole Incorporations in this place ; by both the Shyrs of Lothian, and by the Shyr of Stirling."

pany, followed by a torrent of like remonstrances from the country at large, showed that this appeal was vain. The Estates, after the routine business was over, took up a resolution to maintain the colony of Caledonia as a legal and rightful settlement. Before there was time to enter on the question, the Commissioner adjourned the Parliament in a curious speech. He said he was troubled with "a cold and hoarseness," which prevented him from speaking fully. He had come with powers which he hoped might satisfy the nation on many important matters, and especially on that which they deemed the most important of all. But the aspect assumed by the discussion had rendered it necessary that he should go back and receive fresh authority from his majesty.

The Estates were now adjourned from time to time, amid deepening discontent. The General Assembly appointed a public fast and humiliation for the sins which had brought judgments on the land ; but humility was far from the pervading tone of the people. Old statesmen remarked, that the temper of the country "reminded them of forty-one"—the year when Charles I. reluctantly met his memorable Parliament in Edinburgh. This deep smouldering discontent was lighted into a momentary flame by news of the gallant action at Tubacanti. A medal representing Campbell careering on his triumphant war-horse was struck in commemoration of the achievement. The Edinburgh people passed a popular ordinance for an illumination. It was accompanied by one of those fierce mobs which have from time to time paralysed the local government. Wherever the illumination was imperfect, or even where it was supposed not to represent a hearty concurrence in the general joy, the windows were smashed ; and the crowd went perseveringly out of their way into retired quarters, to attack the houses of members of the Government. Arming themselves with any available weapons they could secure, they seized the Netherbow Port, and the post of the city guard, capturing and parading their colours. A cry arose to attack the Tolbooth—the renowned "Heart of Mid-Lothian"—where two men were imprisoned for circulating inflammatory

handbills on the Darien question. With sledge-hammers and fire the mob battered and burned their way into the Scots Bastile, releasing their two friends, along with the other prisoners, among whom were several Highland ruffians, followers of Fraser of Lovat.<sup>1</sup> The musical bells of St Giles's were pressed into the service of the mob, and though under corporate authority, were jingled to the tune of "Wilful Willie."

It was noticed that there were but nominal efforts to punish the rioters; and that a few of them, after much shuffling and delay, had a semi-triumphal pillorying in the streets of Edinburgh.<sup>2</sup> The English statesmen of the day are found indignant at the way in which the king's business is conducted in the north—the Scots statesmen were evidently preparing to leave the falling house of the king's Government.<sup>3</sup>

After a favourite idea, often nourished by discontented nations, that they can injure their neighbours by restricting their own commerce, an association was formed for consuming no productions but those of Scotland; and especially avoiding those taxed productions of the allies of England which brought funds to the Exchequer. The Jacobites, of course, fed the flame; and in the middle of the year a calamity happened in the death of Queen Anne's last remaining child, the Duke of Gloucester, which seemed to make a restoration a political necessity as the result of the rising discontents.<sup>4</sup>

<sup>1</sup> Trial of Charles Weir, Robert Henderson, Alexander Aitchison, and John Easton.—Records of Justiciary, 22d June 1700.

<sup>2</sup> "This week three or four of the last mob were put upon the Tron; and a cook, who truly deserved to be fricaséed, scourged most gently by the hands of the hangman; the mob huzzaing them all along, and throwing flowers and roses on the Tron for their honour, and wine going about like water."—Carstairs' Papers, 615.

<sup>3</sup> See Carstairs' Papers, 539, 591.

<sup>4</sup> In a letter, apparently by Sir James Stewart, the Lord Advocate, the elements of the opposition are thus analysed: "There are in it rank Jacobites; there are malcontents who are not Jacobites; and there is a third that are neither Jacobites nor malcontents, which I call Williamites; and there are those Presbyterians, and other honest countrymen in the African interest, that have nothing before their



After the adjournment of the Estates, the Opposition met in great numbers and influence, and sent an address to the throne. When the adjournments were continued from time to time, another national address was multitudinously subscribed. Before it reached him the king sent a letter of explanation to the Privy Council. It was hastily published in the form of a proclamation, for it conveyed the first gleam of sunshine that, from that frigid quarter, lightened up the national gloom. It was not distinct or specific; but it expressed kindness, offered sympathy, and treated the misfortunes of the Scots with a melancholy sadness, as if the writer wished to remedy them, yet was prevented by the selfishness of others from fulfilling his desires.

But when an angry Parliament assembled on the 29th of October, they were not satisfied with the tone of the usual royal message addressed to themselves. Like the letter to the Council, it expressed sympathy and regret. It offered all aid and concurrence with projects for the prosperity of the nation. It even offered to aid the projects of the great national Company. But it made a distinction between the Company itself and its colonising pretensions; and his majesty distinctly stated, taking the matter on himself, that he would not give his sanction to their colonial operations, or acknowledge the Darien settlement.<sup>1</sup>

Again the table was heaped with addresses and petitions, representing every rank, interest, and district. They were amply responded to in the House, and the

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eyes but promoting trade, and the good and welfare of their country." —24th August 1700; Carstairs' Papers, 627.

<sup>1</sup> "It is truly our regret that we could not agree to the asserting of the right of the Company's colony in Darien; and you may be very confident, if it had not been for invincible reasons, the pressing desires of all our ministers, with the inclinations of our good subjects therein concerned, had undoubtedly prevailed. But, since we were and are fully satisfied that our yielding in that matter had infallibly disturbed the general peace of Christendom, and brought on that, our ancient kingdom, a heavy war, wherein we could expect no assistance, and that now the state of that affair is quite altered, we doubt not but you will rest satisfied with these plain reasons."

representatives of the king there seemed scarcely desirous to stem the tide. Led by the fiery Belhaven, the House adopted stern resolutions, condemning the interference of the English Parliament, and the proclamations by the governors of the English colonies.<sup>1</sup> Some pamphlets, written in defence of the king, were, with almost ludicrous rage, denounced as "blasphemous, scandalous, and calumnious libels." They were ordered to be burned by the common hangman; and the Privy Council were instructed to proclaim a reward, payable from the treasury, for the capture of the authors. When a motion for asserting the legality of the colony was again brought before the House, the Commissioner deemed it a sort of triumph that, instead of taking the decided form of an act, it was, by a majority of twenty-four, voted in the modified shape of a resolution to be transmitted to the king.<sup>2</sup>

That the solving of all international difficulties was only to be accomplished by an incorporating union of the two kingdoms now came up again, as a problem demanding earnest consideration. It had been a favourite project of King William in the earlier part of his reign. He had, as we have seen, spoken on the subject to the Scots Parliament, and a commission was there appointed so early as April 1689, to act on the suggestion from the throne. It came to nothing, however. Whatever little was said on the part of Scotland concerned equality in trading and other rights. This roused the exclusive trading fanaticism prevailing in England, and was at once met in a spirit showing the Scots that they could expect nothing but humiliation if they discussed the matter in a practical form. The shape in which the question was again brought forward showed the king's foreseeing wisdom. While the enmity of the Estates of Scotland was deepening, in the manner just described, the English House of Lords passed an address condemning the Scots colony, and approving of the proclamations issued against it by the governors of the English transatlantic plantations. The king's answer to

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<sup>1</sup> Minutes of Estates ; Hume of Crossrig's Diary, 48 *et seq.*

<sup>2</sup> Minutes of Estates ; Hume's Diary, 52.

this address conveyed a tacit reproof. He expressed a warm sympathy with the Scots in their misfortune, and showed that he was not prepared to head the stronger nation in riding down the weaker. He took up the neglected question of the Union, and earnestly recommended such a measure to the House of Lords, with a special reference to the history of Darien, and to the adjustment of trading privileges, as the only means of saving the two nations from endless strife.<sup>1</sup>

The House of Lords lost no time in following the suggestion. On the same day that the address was presented, a time was fixed "for taking into consideration an union between England and Scotland." A bill for appointing commissioners was passed by them on the 25th February, and sent to the Commons. There its fate was humiliating to its friends, for it was lost on a matter of petty etiquette, arising out of the bickerings between the two Houses. The Lords accompanied it with a recommendation to the notice of the other House, "as a bill of great consequence." The Commons took fire at this as an interference, and appointed a committee to report "whether there had been heretofore such messages of recommendations of bills as came from the Lords with the bill intituled 'An Act for

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<sup>1</sup> The king, while assuring them that he will not neglect the interests of English trade, says: "At the same time his majesty is pleased to declare, that he cannot but have a great concern and tenderness for his kingdom of Scotland, and a desire to advance their welfare and prosperity; and is very sensibly touched with the loss his subjects of that kingdom have sustained by their late unhappy expeditions, in order to a settlement at Darien. His majesty does apprehend that difficulties may too often arise with respect to the different interests of trade between his two kingdoms, unless some way be found out to unite them more nearly and completely, and therefore his majesty takes this opportunity of putting the House of Peers in mind of what he recommended to his Parliament soon after his accession to the throne, that they would consider of an union between the two kingdoms. His majesty is of opinion that nothing would more contribute to the security and happiness of both kingdoms; and is inclined to hope that after they have lived near a hundred years under the same head, some happy expedient may be found for making them one people, in case a treaty were set on foot for that purpose; and therefore he does very earnestly recommend this matter to the consideration of the House."—Lords' Journals, 12th Feb. 1699 (1700).

authorising certain Commissioners of England to treat with Commissioners of Scotland, for the weal of both kingdoms.'"<sup>1</sup> On the committee's report the bill was thrown out on the 5th of March, at the second reading. The risk of war with a high-spirited people, driven desperate, had not yet become sufficiently imminent to overcome the commercial jealousies of the English, or awaken them to the fact, as a political necessity, that the Scots would no longer be sacrificed to the system. In less than two years afterwards, the monarch of the Revolution renewed his appeal, under circumstances of deep and affecting solemnity. On the 28th of February 1702, he sent a royal message to the Commons, calling to their remembrance his former unanswered appeals, and concluding: "His majesty is fully satisfied that nothing can more contribute to the present and future peace, security, and happiness of England and Scotland, than a firm and entire union between them; and he cannot but hope that, upon a due consideration of our present circumstances, there will be found a general disposition to this union. His majesty would esteem it a peculiar felicity, if, during his reign, some happy expedient for making both kingdoms one might take place; and is therefore extremely desirous that a treaty for that purpose might be set on foot, and does, in the most earnest manner, recommend this affair to the consideration of the House."<sup>2</sup>

But the doom which was to preclude this consummation of his desires was already closing over him. He noticed that he was prevented, "by an unhappy accident," from coming in person to the House; and this accident was the injury from which he died a month afterwards. The animosities which had been gathering around his latter days paused for a time over his grave, to be soon afterwards more sternly renewed.

Before resuming the great contest in a new reign and in new shapes, it may be proper here to stop and look

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<sup>1</sup> Journals of Lords and of Commons, 10th February to 5th March 1699 (1700).

<sup>2</sup> Parl. Hist., v. 1341.

back on some incidental matters that would leave our narrative incomplete if they were passed over. One of these, the planting of what afterwards grew into the renowned banking system of Scotland, has a peculiar interest in its relation to the great undertaking we have just followed to its ruin. Within a month after the statutory creation of the African Company an Act was passed "for erecting a public bank," which became the Bank of Scotland.<sup>1</sup> It is said that John Holland, an Englishman, was its founder. He came from England, and worked at its organisation; but rather than the founder, he seems to have been the adjuster of the staff and their duties, from banking experience gained by him probably in Amsterdam or Hamburg. When by decree of a sovereign or the liberality of some wealthy man an institution starts into existence, it is easy to identify the founder; it is not so easy to find the man who may be called founder of a self-created corporation. It has often been said that William Paterson was the founder, but this has been denied by those who admit that he founded the Bank of England. It is true, however, that the Scots banks were more faithful to the banking principles of their great countryman than the Bank of England became soon after its establishment, and long continued to be.

There was nothing in the possible transactions of the bank to cross the English trading companies. It was therefore tolerated; and as a third of its stock might be held by strangers, this proportion was instantly subscribed in London. Thus it happened that within a period of not many days there started into existence two schemes both fraught with a mighty future to the country. The one burst forth in the full lustre of a great career, and came to immediate disaster, yet, through the conditions attending its fall, opened the way to new sources of enterprise and prosperity for Scotsmen. The other, beginning in modest frugality, expanded on its own resources, and

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<sup>1</sup> Act. Parl., Record Edition, i. 494. This Act was not considered important enough to be printed in the earlier edition of the Scots statutes, though the African Company Act will be found there, iii. 453

became the first and oldest of many like institutions destined to guide and husband the wealth that was to be realised by the new career opened through the misfortunes of its more brilliant and ambitious contemporary. Thus began the banking system of Scotland with a paid-up capital of no more than ten thousand pounds.

The great African Company took umbrage at this humble neighbour, and started immediate rivalry in a banking branch of its own. It issued notes of the respective denominations of a hundred, fifty, twenty, and ten pounds sterling, to the extent apparently of about twelve thousand pounds in all.<sup>1</sup> But the great Company did not persist in this item among its follies. It soon found that inevitably trade and banking are pursuits that, instead of being united, must keep up a sort of jealous peace or armed neutrality with each other. The trader's instinct is to throw every possible fund into the fructifying vortex of his trade; the banker's is to part with no moneys that are not absolutely secure from the risks that are incurred by the trader. Trade on the whole is profitable to him; but what he draws from it is not in the shape of profit one day and loss another, but of a fair allowance for the use of his moneys, out of the preponderance of profit over loss incident to the dealings of every active trading community. Hence the African Company speedily abandoned the banking field to its modest contemporary.

To the question, why when one great project began to drain all available money from the country another should start close beside it, no better answer can be given than that the time was one of great speculative excitement. Such an impulse to commerce and pecuniary transactions naturally required new laws for the protection of new interests and the well-ordering of new institutions; accordingly, the year that saw the establishment of the two companies, contributed to the Scots statute-book an "Act regulating the sale and payment of Bankrupt Estates."

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<sup>1</sup> Preface to the Bannatyne Club selection from the Darien Papers, xxx, where there is an impression from the copper plate whence the notes were printed.

To the imaginative, and sometimes also to the philosophical spirit, anything concerning the practice of bankruptcy is consigned to the lowest depths of aridity and pedantic technicality; but the truly thoughtful will find it closely allied with the spirit of justice, mercy, and enlightened social progress. It extracts from the powerful or the cunning the wealth they would withhold from those justly entitled to it; it curbs the vindictive spirit that would prompt the creditor to punish his exhausted debtor more cruelly than a forger or a robber; it stimulates enlightened enterprise, and checks gambling adventure.

A picturesque history might be made of the long contest of bankruptcy legislation with English common law. It is a battle that has raged for centuries, and seems no nearer than ever to a peaceful conclusion. It has been a common saying that every session sees a bankruptcy bill. The ground of quarrel is, that it is the aim of a bankruptcy system to lay hold on the wreck of an estate, and make an equitable distribution of what it will bring in the market, among those who have no hope of full payment. But common law is not to be balked of its prey, and steps in to settle matters in its own clumsy, costly, tedious way. Let the Legislature and the sages who advise it devise what they will, questions arise about the purport and intent of its labours, and they cannot be settled save by the most expensive of all methods of inquiry—a judge and jury, with an army of lawyers on either side to harass witnesses and perplex jurymen.

In Scotland the distribution of shipwrecked estates came more genially to the law. It did not require statute law for its absolute existence: the *cessio bonorum*—the yielding up of an insolvent's estate to his creditors, on condition of their acquitting him—was a doctrine of the old civil law, only requiring statutory authority to correct and fortify it. The practice of Scotland's affluent ally France provided abundant precedents of the application of the civil law in this and other departments of the law-merchant. The protected bankrupt was called a "dyvour;" and this is traced to the French *devoir*, as expressive of one who has done his duty in rendering up his all. In Scotland the person so

protected was bound to wear in his walks abroad a yellow cap, to distinguish him alike from his solvent fellow-men and from the debtor who was unprotected. This differed from French practice only in the colour of the distinguishing habit, which there was green, and the wearer of it was known as a "bonnet vert."

The civil law of bankruptcy distribution received aid from statute so early as the year 1618, and it is observable that the Act then passed, with a train of decisions fixing its import, is yet part of the practice of bankruptcy in Scotland. It is aimed at all alienations of their property, by persons who have become insolvent, to "conjunct and confident persons"—to those allied with them by relationship or business. When trade expanded it became necessary, however, not only that collusive arrangements for preference on the debtor's estate should be defeated, but that the keen and merciless portion of the creditors should not sweep the estate away on the principle of the old homely proverb, "First come first served." It was further necessary that when a trader had become insolvent—when he was "labouring," as the old expressive Scots term is—without waiting until creditors rushed in, tripping each other up in efforts to realise their claims, the whole available property of the bankrupt should be realised by neutral and responsible people, and set apart for equitable distribution. Hence the Act of 1695, for the sale and payment of bankrupts' estates, was followed in 1696 by "an Act for declaring notour bankrupts."

The statute bankruptcy law of England is nearly two centuries older—it dates from the reign of Henry VIII. Scotland coming later into the arena of trade, profited mightily from the long chaotic conflict between statute and common law in England. The things that by statute were "acts of bankruptcy," or conditions that made a trader bankrupt, such as "keeping their houses" or "fleeing to places unknown," were interpreted both in their nature and effect by countless tough litigations recorded in the case-books; and these told the poor but ambitious community what things in the career of its great rich neighbour had been mistakes, and what



other things had been successful and might be profitably imitated.

In matters of insolvency and many others that brought the country into trading communication with foreigners, Scotland had, in her use of the civil law, common to all Europe, facilities only to be obtained for England with much difficulty. It could not be permitted that the country, destined by the enterprise of her merchants to rise to the supremacy of the trade of all the world, should be beset by legal interruptions and difficulties, that would drive the foreign dealer from her markets. Accordingly the great fortress of the common law was besieged by a succession of heavy statutes, or was with more subtlety undermined by "fictions of law." The fiction of law was simply a statement on the one side of a litigation of a condition or fact which did not exist; while by the ingenuity of lawyers, and the connivance of judges, forms were so adjusted that the other party had no opportunity of contradicting it. In Scotland the Court of Session gave every kind of remedy that applied to the case. In England the merchant might think the remedies of the Exchequer the most suitable for the recovery of his debt. But the Exchequer was exclusively for the recovery of the Crown debts. The merchant pleaded that he was a debtor to the Crown, but he could not pay his debt unless he received moneys due to him by a private creditor. He did not owe the Crown a penny; but the Exchequer, on the fiction, recovered for him the debt due to him.

The civil law had, in its first principles, a remedy against insolvent persons endeavouring to recover themselves by ample purchases of goods on credit. By the principle of the law the purchaser's ownership did not extend to newly-bought goods till they were mixed up with his own. The seller could thus stop them on their way to the insolvent, and even take them out of his wareroom if they had just arrived and remained unpacked. In England there was an obdurate rule of common law, that goods, whenever they were sold, became the absolute property of the purchaser. But fiction stepped in and gave the seller a right

of security or impledgment over them while they were yet *in transitu* or on their way.

For bills of exchange and promissory notes the civil law had in almost every country a rapid executive remedy—without this they could not be negotiable documents. A few statutory words established that in Scotland, when protest was taken by a notary of the empire, and registered, the dishonoured bill was put in the position of a decree of a court of law against the person liable to payment. In England a bill was but a “chase in action” to be brought into a court of law. Statute after statute had to be passed to make a bill negotiable in England as it was elsewhere; and so stiffly did common law hold its own, that when the phraseology of the earlier statutes treated bills as mercantile documents, it would not allow the remedies to be enforced where the parties were squires or professional men.

In noting the prominent features in the scattered legislation of a period, we must sacrifice harmony and continuity in history. The next statute suggesting itself is that which brought to completeness the celebrated system of parish schools in Scotland. It passed in the year 1696 with the simple title an “Act for settling of Schools.” We have seen the infancy of the system of elementary education peculiar to Scotland in an Act of the Estates passed just before the end of the fifteenth century.<sup>1</sup> There was amended legislation for the same object in 1633, and again in 1646 by a statute lost in the general annihilation of legislative measures by the Act Rescissory passed at the Restoration. In some measure this Act anticipated the Act of 1696. The great service performed by this statute was, that in each parish the maintenance of the school was made an absolute rent-charge on the land. The schoolmaster’s salary was, like the minister’s stipend, an established pecuniary claim. In money denomination it was small, of course, in the pecuniary equivalent of the present day; but in its own it was a provision putting its owner not only above want, but if he were thrifty,

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<sup>1</sup> See chapter xxxix.

above sordid anxieties. It "shall not be under one hundred marks, nor above two hundred marks, to be paid yearly."<sup>1</sup> The equivalent of this, is in round numbers, a minimum of £5, 10s., and a maximum of £11. Besides the salary, the "heritors" or landowners of the parish were bound to provide the schoolmaster with a "commodious house."

Something was done in those regions of administrative law where the economic and philanthropic arrangements shake hands with the penal and restrictive. In the terrible description of pauperism and depravity left to us by Fletcher, those who took on themselves the weighty duties of pauper legislation, embarked on a great sea of troubles, of which it can scarcely yet be said that the shore has been reached. The pauper legislation of the period was before its age, in an attempt to establish the labour test in its purity without a permanent invasion of personal freedom. The king had come from the country that had gone farthest in that age in the accomplishment of the reciprocal conditions of modern industrial life—that industry must be given in return for sustenance by all who are not disabled from labour by age or other physical incapacity. That compact country, with no mountain wilderness inhabited by a predatory race, was in a condition for the solution of the problem such as Scotland could only reach after long ages of toil and trouble; and the Poor-law Act of King William's reign only remains as a memorial of enlightened intentions.

The criminal law owes to King William's reign a signal but very simple amendment, founded also on English precedent. As the "Habeas Corpus Act" is cited in England, so in Scotland a statute directed to like ends is known by the name of "The Act 1701," though its title in the statute-book, better calculated to explain its object to strangers, is an "Act for preventing wrongous imprisonment and against undue delays in trials." For the suing out a writ of Habeas Corpus in England, there is under this statute the "running letters" by a person imprisoned and accused, in order that he may

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<sup>1</sup> Act 1696, c. 26.

be brought to trial or released. The case of Neville Payne, referred to so early as the period of the Montgomery Plot, was a scandal to Scots justice crying out for a remedy. He was still in prison, not so much because there was any determination to detain him, as because he could not effect his own release, and it was no other person's business to accomplish it.

Another statute belonging to the criminal code has a demand on attention as the leaves of the statute-book are turned. It is named an "Act for the prevention of the growth of Popery." The persons against whom the terrors of the law were chiefly directed, were called priests, Jesuits, and trafficking Papists, and they were rendered liable to banishment, and the infliction of death on their unlicensed return to the country. As it was said that, through the malice and subtlety of these dangerous persons, they disguised themselves skilfully, and glided unseen and unheard, distributing their moral poison through the land, a detective test was sought. A formula of renunciation was appointed to be tendered to any one suspected of coming within the denounced class, and if he refused to "purge himself" by adopting its powerful condemnations of things held in reverence by Roman Catholics, he was esteemed guilty. Persons present in places where there were mass-books, images, "or other Popish trinkets or instruments of superstition," were in like manner liable to be tested for punishment; and there were arrangements, as in England, for depriving Papists of the right to acquire or succeed to landed property.<sup>1</sup>

There had been much bitter legislation against Papists since the accession of the Stewart line to the throne of England, but it is from the Revolution that we are to date a protracted war with the Church of Rome. Previously there had been hopes and chances in various forms that Britain would fall again under the dominion of the old faith. But a parliamentary settlement of the crown meant a Protestant sovereign and a Protestant supremacy in the Government; and it was only by a poli-

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<sup>1</sup> See the Act 1701, c. 3.

tical revolution that the supremacy of Rome could be restored.

Of the many penal statutes by which their cause was assailed by successive powers in the British Isles, it is matter of regret—and of the regret that clings to the past and the inevitable—that such a testimony should exist of Protestantism, false to its own great principle, the liberty of private judgment. But all may still serve to point a moral. The Church of Rome, powerful in its concentration, and affluent in resources for all emergencies, was strong enough to take vengeance. Where was it to find a force to be drafted into this gloomy and dangerous region? The Order of Jesus was at hand, as if it had been organised for that express purpose. Shunned by their brethren, regular as well as secular—hated in the sovereignties that were the pillars of the Popedom, the Jesuits were the desperadoes of their Church, being those who would venture furthest beyond the bounds of truth, honesty, and all the secular moralities, in full reliance on the protective influence of the pious end to be accomplished. As troops told off for a night surprise are stripped of the conspicuous and defiant panoplies of war, so was it their duty to cast aside the ceremonial symbols, “the Popish trinkets or instruments of superstition,” that were to the mob what the red rag is to the bull. What they had to assume instead was the walk of the busy Protestant, as trader, physician, teacher, the man of pleasure,—nay, the heretical pastor, when such a revolting duty was needed. And hence it befell that in planting an agency within the heretic family, the works of the minister of religion were only too aptly likened to those of the prowling thief, who finds an accomplice in the household to be robbed.

But while it befell that with the Church of Rome the clergy could only conduct a harassing war, in which they were not always victorious, there were otherwise offensive opinions on which they were tempted to try the old policy of that Church, and to effect their absolute extinction while yet they were in their weak infancy. Opinions bold and offensive in religious matters appear to have then become prevalent among young students in Edin-

burgh. It was perhaps one of the revulsions in the procession of action and reaction between profligacy and fanaticism that had long tortured the country. There were afterwards, as we may find, alarms that the spirit of free inquiry was not limited to secular students, but had found its way into the divinity halls. It seems to have occurred to the clergy—at least those of Edinburgh—that this spirit might be extinguished if a victim were made; and it would certainly appear that whether the whole affair turned to the furtherance of religion or not, the offensive lips were silenced for the time.

The victim selected was a youth of the name of Thomas Aikenhead, a student about eighteen years old. The statesmen of the Restoration had deposited in the statute-book a law that whoever should rail at or deny the Deity, or any person in the blessed Trinity, should be punished with death.<sup>1</sup> It was scarcely an uncharitable view that this Act had been passed by the statesmen of the day as an easier sacrifice to its zealots, than the practice of piety and the leading of a pure life would have been. On this statute Aikenhead was indicted. He had certainly uttered many offensive remarks, which would have been well met by the quiet scorn of those who heard them; and he seems to have been given to quibbling dialectics on sacred subjects, such as saying that "*The-anthropos* is as great a contradiction as *Hirco-cervus*, or a quadratum to a rotundum," and "puzzling and vexing" himself as he termed it, with "Paternitas-filiatio and Hagio-pneumatos." If he very determinedly persisted in throwing his remarks in the way of those to whom they were peculiarly offensive, it would have been difficult to avoid awarding against him some punishment as a disturber of the peace; but he was actually tried before the High Court of Justiciary, condemned to death, and hanged. This cruelty was the more inexcusable, as the youth, in two appeals, entirely recanted his obnoxious opinions, and professed his belief, in the fullest manner, in the principal doctrines of the Presbyterian Church, pleading his youth, and the perplex-

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<sup>1</sup> Act 1661, c. 21.

ing influence of metaphysical studies too strong for his mental digestion, as the cause of his errors.<sup>1</sup>

It was not an age of deep religious convictions among official men, and it is impossible to get over the unpleasant belief that the youth was sacrificed to appease zealous cravings, in which those who were the instruments of his death had no participation, and with which they had no sympathy. The clergy thinking it good that one of the most conspicuous of the young offenders should be put to death, the statesmen of the day humoured them. The rapid execution of the sentence was one of the evil features of the tragedy; it seems to have been thought desirable not to give opportunity for the sovereign to act on the tolerant principles expressed by him when dealing with the coronation oath. The incident reminds one too strongly of a later scene in France, where, in Voltaire's day, and in the midst of deep-founded infidelity, some youths committed irreverent frolics, for which, instead of the whipping they might have merited, judges in high places sanctioned torture and death, to appease the priesthood.

Between the Revolution and the accession of Queen Anne there were, technically speaking, two reigns—the reign of “William and Mary,” and the reign of “William

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<sup>1</sup> His case will be found in the State Trials, xiii. 917, and in Arnot's Collection. In the State Trials a letter appears, attributed to Locke, with this remark: “The age of the witnesses is observable, and that none of them pretend, nor is it laid in the indictment, that Aikenhead made it his business to seduce any man. Laws long in desuetude should be gently put in execution, and the first example made of one in circumstances that deserve no compassion; whereas here there is youth, levity, docility, and no design upon others.” In a letter from one of the Privy Council, also in the State Trials, it is said: “I pleaded for him in Council, and brought it to the chancellor's vote. I was told it could not be granted, unless the ministers would intercede. I am not for consulting the Church in State affairs. I do think he would have proved an eminent Christian had he lived; but the ministers, out of a pious though I think ignorant zeal, spoke and preached for cutting him off.” Much curious matter relating to the affair will be found in a pamphlet with the title ‘Thomas Aikenhead: a Historical Review in relation to Mr Macaulay and the ‘Witness,’” by John Gordon, 1856.

the Third," or, as punctilious Scotsmen in reference to their own country put it, "of William the Second." Queen Mary died on the 28th of December, in the year 1694. She was a woman of many virtues, affectionately and beautifully commemorated by an eminent Scotsman who knew her well.<sup>1</sup> Her widowed husband was a man of few demonstrations, but all about him knew that this loss went deeply to his heart, and clouded his few remaining years of life with bitter sadness. What is chiefly noticeable about her death in its reference to the affairs of Scotland is its neutrality as an event in any way influencing the politics of the day. Politically it was a much more serious calamity when in July 1700 the Duke of Gloucester died eleven years old; he was the one of the Princess Anne's many children who lived long enough to be looked to as the successor to the throne, who would ascend it by hereditary right, and render unnecessary any more of that perilous kind of legislation that worked for the adjustment of a parliamentary succession.

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<sup>1</sup> Memorial of Mary Princess of Orange, Queen Consort to King William III. By Gilbert Burnet, Lord Bishop of Sarum. Reprinted. Edinburgh: Thomas Constable. 1842.



## CHAPTER LXXXVI.

## THE TREATY OF UNION.

QUEEN ANNE—A NEW MINISTRY—QUESTION OF A UNION RENEWED—ENGLAND AND THE TRADE PRIVILEGES STILL IN THE WAY—THE NEW PARLIAMENT—THE CEREMONIAL OF THE RIDING—THE BUSINESS—THE QUEENSBERRY PLOT—LOVAT—FERGUSON THE PLOTTER—ATHOLE—THE ACT OF SECURITY ABJURING THE ENGLISH SETTLEMENT OF THE CROWN—REFUSED THE TOUCH OF THE SCEPTRE—PASSED AGAIN AND ACCEPTED BY THE CROWN—PREPARATIONS FOR WAR BETWEEN ENGLAND AND SCOTLAND—SEIZURE BY ENGLAND OF ONE OF THE AFRICAN COMPANY'S VESSELS—RE-TALIATION—THE TRIAL AND EXECUTION OF CAPTAIN GREEN—NECESSITY FOR ENGLAND CONCEDING THE PRIVILEGES OF TRADE—COMMISSIONERS APPOINTED TO NEGOTIATE A UNION—THEIR PROCEEDINGS—TAXATION, REPRESENTATION, COINAGE—COMPENSATION FOR THE LOSSES OF SCOTLAND.

UNDER the Acts of Settlement for the two crowns, Anne, the second daughter of King James VII., became queen on the 8th day of March 1702. Her birth and position had many negative qualifications, which smoothed asperities, and for a time solved difficulties. The Constitutionalists were content with one whose tenure of power was the Revolution Settlement, while the Jacobites could not but feel the accession of a Stewart propitious.

When the Estates assembled on the 9th of June, the Duke of Queensberry, who had been Commissioner in King William's Parliament, remained the representative of the Crown, and took the office of Secretary of State along with the Earl of Cromarty; but there were some material official changes. Lord Seafield, son of the Earl of Findlater, succeeded Marchmont as Chancellor. Lord Tulli-

bardine, afterwards Duke of Athole, became Lord Privy Seal. The old steady statesman, Melville, was superseded, as President of the Council, by the Marquis of Annandale, of whose political principles we have seen a brilliant exemplification in the matter of the Montgomery Plot.

These appointments were supposed, at the time, to have a decided leaning to the Episcopalian, if not to the Jacobite party. It is more consistent with truth to view them in general as alighting on men with little settled principle, as competitors with each other for leadership, emoluments, and honours. In the intense interest which each took in the other's game, the great public movements into which they threw their stakes were kept out of view, and require to be searched for behind the pamphlets, speeches, and letters, and even the memoirs, of the period. The progress and conclusion of the national struggle arising out of the disasters of Darien, with a few episodical incidents more or less connected with its development, constitute what is truly the history of Scotland from the death of King William until the Parliament of Britain met in 1707.

The Estates began in storm. By an "Act for the Security of the Kingdom," passed during the sensation created by the assassination plot in 1696, it had been provided that on the king's death the Estates should assemble within twenty days, and remain in existence for a term limited to six months. They were to have legislative power only for such Acts as were needful for the defence of the Protestant religion, the succession to the crown, and the peace and safety of the kingdom. As "the demise" of the Crown occurred on the 8th of March, and the Estates were, by adjournment, prevented from meeting until the 9th of June, a party maintained their constitution to be illegal, and drew farther objections from the nature of the business transacted by the House, as exceeding the limits of the Act of Security. This dispute became remarkable as the first where the titular head of the house of Hamilton came forth in rivalry with the representative of his paternal Douglasses acting as Commissioner, and began that mixed

career of impulsive and indistinct policy, in the midst of which we shall presently find him. On this occasion he led forth a secession of more than seventy members. A quarrel arose between the remainder, called the "rump," and a portion of the Faculty of Advocates, who had officiously supported the secession. These disputes were matters, however, of but momentary irritation. In its short sitting, this Parliament opened the great question of national interest. Resolutions were passed in support of the African Company, and the claims of participation in trade; and arrangements were made for meeting England on the proposal of a Union.

In England the recommendation bequeathed by the departed king became the first business of the reign, so far as Scotland was concerned. It was opened by the queen, in her first speech to Parliament, on the 11th of March—the third day after her accession. Thus, after the English Parliament had been so frequently appealed to on the subject, a bill was passed authorising the appointment of commissioners, which became law on the 6th of May. Since the measure was one of conciliation towards Scotland, which her neighbour had hitherto haughtily repelled, it was a wise policy to bring the first overture from England; and it appears to have been to this end that the meeting of the Estates had been delayed. On the 9th of June the queen announced to the Scots Parliament the passing of the English Act; and on the 25th, at her desire, an Act was passed to empower a commission to meet that of England. The two commissions began their brief career of negotiation on the 10th November. Their constitution and method of proceeding resembled those of their more efficient successors, and may appropriately wait till the history of the treaty which ended in an actual union is related.

It became at once apparent that the admission of Scotland to equal trading privileges was still the great difficulty on the side of England. The first fundamental proposition—the succession to the throne, according to the Act of Settlement—was readily acceded to, as well as the second, for giving the united kingdom one legislature. As

an equivalent fundamental article, the Scots commissioners demanded "the mutual communication of trade, and other privileges and advantages." To this it was answered, that such a communication was indeed a necessary result of a complete union; but a specific answer was deferred, until the board should discuss "the terms and conditions" of this communication. There was a deficiency of attendance of English members to form a quorum, which for some time interrupted the treaty. Whether this was from their being otherwise occupied, or from distaste of the business before them, it chafed the temper of the Scots. When the two bodies were brought together again, the trade demands of the Scots were articulately set forth. They demanded free trade between the two nations; the same regulations and duties, in both countries, for importation and exportation; equal privileges to the shipping and seamen of the two nations; the two nations not to be burdened with each other's debts, or if they were to be so, an equivalent to be paid to Scotland, as to the nation more unequally so burdened; and lastly, it was proposed that these demands should be considered without reference to existing companies in either kingdom. This was well understood by both parties to have special reference to the African Company.

On the part of England it was conceded, that "there be a free trade between the two kingdoms for the native commodities of the growth, product, or manufactures of the respective countries." But even this concession, defined so as to exclude external trade, was not to extend to wool—an article on which English restrictions on exportation, for the support of home manufacture, had risen to a fanatical excess. A reference was made to the colonial trade—the main object of the Scots demand of an exchange of commercial privileges. It was postponed; and in a tone indicating that it was too precious, as a privilege of Englishmen and a disqualification of Scotsmen, to be conceded.<sup>1</sup>

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<sup>1</sup> "As to the third article, their lordships say that the plantations are the property of Englishmen, and that this trade is of so great a

The Scots commissioners, believing that there was a desire on the other part to evade the great question of trade specifically, proposed that their own African Company should be preserved, and they offered to agree to any restrictions which would prevent its privileges from being used in England, and in direct English competition with the East India Company. The English commissioners answered bluntly, that the existence of two such companies would be destructive of trade, leaving the inference that the Scots Company must be annihilated; nor did they allude to the probability of the sufferers in that project receiving compensation. At this point, when the commissioners had held meetings, down to the 3d of February 1703, with little chance of a satisfactory conclusion, they were adjourned by a royal letter to the 4th of October.<sup>1</sup> They never met again. On the minutes of the Scots Parliament of 9th September, there stands a resolution in brief emphatic terms, that the Scots commission for the treaty is "terminate and extinct," and not to be revived without the consent of the Estates.

The Parliament which had ere this time come to a close, was that same Convention of Estates which had carried the Revolution Settlement, and had thus led a more protracted existence than the celebrated Long Parliament of England. Projects had been brought on from time to time to limit the duration of Parliaments, but they had always yielded to expediency. Now, however, when a great national question filled the public mind, it seemed urgently necessary that the representatives should go back to the country to be invigorated with fresh blood. Steady old Revolution statesmen could not even object to this, for it was the law of their own settlement; and, on the whole, it seemed that the country would have difficulty in sending up a more unruly Parliament than that which they saw dispersing.

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consequence and so beneficial, as not to be communicated as is proposed, till all other particulars which shall be thought necessary to this union be adjusted.'

<sup>1</sup> Minutes of the Commission.

The new Parliament, whose career was to be so memorable, assembled on the 6th of May 1703. The "Riding" of a newly assembled Parliament was an old feudal ceremony, of which the annual procession of the royal commissioner to the General Assembly remains a faint vestige. On this occasion it was performed with more than the usual pomp, and, in association with the legislative history of those who partook in it, left an impression more abiding than that of a vain pageant. It was remembered that all the parade and splendour of the occasion were the decorations of legislative labours which abolished the ceremonial for ever, along with the ancient national legislature, of which the old usage was a becoming decoration. As these solemnities are in themselves curious, and form a feature of national manners, the opportunity seems appropriate for a brief account of them.

The first operation was to have the long street from the Parliament Square to Holyrood House cleared of dirt and impediments—a task of some difficulty and importance. A proclamation was issued, prohibiting the use of miscellaneous vehicles within the gates of the city during the ceremony, and for preserving strict order in the crowd. A passage through the centre of the long street was railed in: and, while the magistrates provided a civic guard to the extremity of their dominion at the Nether-Bow Port, the royal foot-guards lined the remainder of the street to the palace gate. It was an absolute injunction on every member, of whatever degree, that he should ride, and any attempt to evade the chivalrous feudal usage was punished with a heavy penalty. Out of consideration, however, for those respectable burgesses or ancient professional men, to whom the elevation was unusual, arrangements were made for assisting them to mount and dismount at the extremities of the journey.

The first movement of the day was by the officers of state, who proceeded one hour before the rest of the members to arrange matters for their reception. The Lord High Constable, with his robe and baton of office, and his guard ranged behind him, sat at the Lady Stairs,

by the opening of the Parliament Close, to receive the members under his protection, being officially invested with the privilege and duty of the exterior defences of the Parliament House. He made his obeisances to the members as they dismounted, and handed them over to the Lord Marischal, who, having the duty of keeping order and protecting the members within the House, sat at the door, in all his pomp, to receive them.

The procession, according to old feudal usage, began diminutively, and swelled in importance as it went. The representatives of the burghs went first; then, after a pause, came the lesser barons, or county members; and then the nobles—the highest in rank going last. A herald called each name from a window of the palace, and another at the gate saw that the member took his place in the train. All rode two abreast. The Commoners wore the heavy doublet of the day unadorned. The nobility followed in their gorgeous robes. Each burghal commissioner had a lackey, and each baron two, the number increasing with the rank, until a duke had eight. The Nobles were each followed by a train-bearer, and the Commissioner was attended by a swarm of decorative officers, so that the servile elements in the procession must have dragged it out to a considerable length. It seems, indeed, to have been borrowed from the French processions, and was full of glitter,—the lackeys, over their liveries, wearing velvet coats embroidered with armorial bearings. All the members were covered, save those whose special function it was to attend upon the honours—the crown, sceptre, and sword of state. These were the palladium of the nation's imperial independence, and the pomp of the procession was concentrated on the spot where they were borne—the same as they may yet be seen in Edinburgh Castle—before the Commissioner. Immediately before the sword rode the Lord Lyon, in his robe and heraldic over-coat, with his chain and baton. Behind him were clustered a clump of gaudy heralds and pursuivants, with noisy trumpeters proclaiming the approach of the precious objects which they guarded. Such was the procession which poured into that noble oak.

roofed hall, which still recalls, by its name and character, associations with the ancient legislature of Scotland.<sup>1</sup>

Let us, in the mean time, follow the legislative assembly into their hall, and cast a glance on the scene there presented. Instead of the arrangement by parties, with which we are familiar in the British Houses of Parliament, the Estates were distributed according to ranks. They all sat in one house, and appear to have been much nearer in form to the French States-General, whose latest meeting had welcomed the accession of Louis XIII., than to the English Parliament. The Chancellor sat as chairman, and the officers of state clustered round him on what were called the steps of the throne. Raised and decorated benches at the upper end of the hall were for the exclusive use of the nobles, and a penalty was incurred by any other person sitting there. In the centre was a table, round which were seated the judges of the Court of Session and the clerks of Parliament. Beneath this, on a

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<sup>1</sup> See for the most complete list of documents on this subject, "Extracts from the Registers of the Privy Council of Scotland, and other Papers connected with the Method and Manner of Ryding the Scottish Parliament, MDC—MDCCLII." Printed for the Maitland Club. In the great 'Atlas Historique' of Gueudeville there is a large picture called "Carte pour donner une idée générale du gouvernement d'Ecosse ; l'ordre de la marche ou cavalcade de l'Assemblée de son parlement ; celui de la séance de cet illustre corps" (tom. ii. No. 56). This is, like other illustrations in the same book, an elaborate engraving of a gorgeous pageant ; but it is not real. We have better means of testing this than description. Some collectors of rare works possess a set of large plates having for title "Order of the calvacade at the opening of the first Parliament of our dread Sovereign Lord King James the Seventh, upon the 23d April 1685, to which His Grace the Duke of Queensberry was his Majesty's High Commissioner, the Viscount of Tarbot Lord Register, the Earl of Kintore Lord Treasurer Depute, the Marquis of Athol Lord Privy Seal, the Earl of Perth Lord Chancellor." The original drawings copied in these engravings are in the Advocates' Library, with this memorandum on them : "Three sheets of the riding of the Scots Parliament, two of them by Mr Chalmers, herald painter to James the Seventh of Scotland." "The second original sheet of the Parliament having been amissing, I got the present one as a substitute for the former in the year 1763, drawn with a black lead pencil by the Honourable Horace Walpole." "Purchased in 1766 at a sale of Langford & Son in the Piazza, Covent Garden."



series of plain benches, or forms, were ranged the lesser barons and burgesses ; and strangers specially admitted sat at the extremity of these seats. Beneath the bar there was sometimes a motley assemblage of the attendants on the higher members and state officers, and it would seem that the miscellaneous public, unless on special occasions, had access there.<sup>1</sup>

Twelve years had now elapsed since the Estates had achieved the privilege of conducting their business in free Parliament by the abolition of the Lords of the Articles ; and it may be interesting, before recording the extinction of the national legislature, to notice generally the manner in which they had profited by their opportunities as a free debating body. Their proceedings would seem, no doubt, quaint and unscientific to those who, trained in the English House of Commons, then in its prime, were familiar with all the agile and conclusive operations which the most practical of people had adjusted from the experience of centuries. In Scotland, the legislative body was, in the first instance, hampered with the bad example of French modes of discussion ; and when it had shaken free of these, the attempts to engraft on the so differently constituted assembly some of the practices of the House of Commons, were clumsy and ineffective. That perfection in legislative decision which reduces every question to an affirmative or negative—the well-ripened fruit of the wise labours of the Long Parliament—could not be rapidly adjusted to any system of tactics which was not vitally connected with its natural growth. The Estates had not learned a plan which, after the effort of centuries, was fixed and adhered to in England, as the only means of applying the method of dividing, “yea or nay,” on complex propositions such as resolutions and Acts of Parliament. From an early time the sagacious men of St Stephen’s saw the danger of the legislature giving its sanction to anything that had not come before them

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<sup>1</sup> See the Minutes of Parliament in the Record Commission Edition of the Scottish Statutes, and the “Acts for Settling the Orders in the Parliament House,” printed for the Maitland Club.

in the very words in which it was to be a law. They thus required that every clause of a bill, as it was to stand in the Act, should be put to them yea or nay, and then when they were all put together as each was finally adopted, there came a general vote of the same kind on the question whether the bill do pass.

Instead of the Estates having everything which they adopted placed in express words before them, the Clerk-Register was in the practice of drawing up the Acts at the end of the session, from his general view of the votes and resolutions of the House; and though the Revolution Parliaments endeavoured to remedy the defect by specific resolutions, sometimes embodying full drafts of important measures, they worked with a vagueness and uncertainty very different from the steady precision of the English system.

The chief officers of the Government, and the judges of the supreme court, had seats in the House by right of office, but no votes, unless they were members. It has often been disputed whether, by the fundamental principles of the Scots constitution, any measure could be carried without a majority of each Estate; that is to say, whether the Estates, though met in the same room, were virtually to vote as one body, or give their assent or dissent separately by majorities. By force of habit, as we have seen, the name of the Three Estates, which had been applied to the clergy, the barons, and the burgesses, came to be applied to the greater barons or peers, the lesser barons or county members, and the burgesses. Whatever may have been the understanding, however, in earlier times the lists show actual votes where a question is sometimes carried, though the majority of one Estate is against it; and this must settle the question, as far as the practice of the Scots Parliament came to be finally established.<sup>1</sup>

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<sup>1</sup> It was not easy, however, to find data for settling this point. The only recorded divisions known to the author are those on the great contest on the Treaty of Union, about which a good deal will have to be presently said. In analysing many of the earlier divisions, there was always found a majority for the adopted motion in each Estate, though it was sometimes so narrow as one, and almost looked as if

Let us now turn to the business before the new Parliament. At its commencement, the great question of the day was slightly interrupted by one which, at another time, might have been surrounded with the deepest interest. There were circumstances in the queen's accession calculated to disturb confidence in the Presbyterian Settlement, not yet more than twelve years old, and by no means deeply rooted in the respect or support of the aristocracy. There were no hints in her majesty's message to the Estates, or in the addresses of the Commissioner Queensberry, and the Chancellor Seafield, tending to excite apprehension; but it was rumoured that there were suspicious tendencies in a letter addressed by the queen to the Privy Council; and the letter being printed, whether surreptitiously or by authority, tended to feed the alarm. It professed, doubtless, respect for the Church established by law; but it made a reference, evidently dictated by kindly interest, to those adherents of Episcopacy who had previously been looked upon as the enemies of law, order, and the Revolution Settlement. The letter, indeed, avowedly hinted at legislation in their favour. True, it asked nothing but toleration; but besides being inconsistent with the claims of the Established Church to supreme authority over the discipline and worship of the community, this was naturally believed to be only the first step towards ulterior measures. It was admitted that the Church had already bound itself to toleration so far as

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pains had been taken to obviate unpleasant discussions about the validity of majorities, by making them, through careful management, pervade each Estate. After going over many of these provoking instances, which settle nothing, one comes on a vote on the 14th article of the treaty, on 6th December 1706, where, in the majority which carried the vote, there are numbered thirty-six barons, and in the minority thirty-nine. This vote, standing unquestioned, seems to have put the Government at ease, for we cease to see the close majorities of one or two in particular Estates, entering into some large majority of the whole. On the question whether peers and their eldest sons should be specially or only indirectly excluded from being eligible to the Commons, the latter was carried by a preponderance of Lords—a considerable majority of the Commons voting for the direct exclusion.

this inferred permission to the remnant who adhered to old views, and gave no disturbance to the Establishment, to live and die out in peace; but this letter evidently pointed at a continued toleration to a perpetual succession of schismatics.<sup>1</sup>

At the same time was published the Humble Address and Supplication of the suffering Episcopal clergy, representing to her Majesty the deplorable condition of the national Church since the suppression of the truly ancient and apostolic government of the Church by bishops. They spoke about the disgrace brought on a Christian land, wherein those consecrated at the altar to the service of Christ lacked bread, and were dispersed as wanderers; and offered many like exhortations, with which it was believed that her majesty had only too much sympathy.

Following up these preliminaries, an Act was brought in by Lord Strathmore on the 1st of June, "for a toleration to all Protestants in the exercise of religious worship." Two days afterwards we find that the House called for and read the queen's letter to the Council; but the project died away amid resolutions for national independence, communication of trade, and the burning of books offensive to the Estates and the people of Scotland. The Presbyterians, indeed, at that time had an accession of strength from those who disliked Episcopacy because it was English, and because its protection would give satisfaction to the English Government; and Lockhart complains that his Jacobite friends were sometimes

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<sup>1</sup> "We are informed that there are many Dissenters within that kingdom, who, albeit they differ from the Established Church in opinion as to Church government and form, yet are of the Protestant Reformed religion, some of which are in possession of benefices, and others exercise their worship in meeting-houses. It is our royal pleasure that they should be directed to live suitably to the Reformed religion which they profess, submissively to our laws, decently and regularly with relation to the Church established by law, as good Christians and subjects; and in so doing, that they be protected in the peaceable exercise of their religion, and in their persons and estates, according to the laws of the kingdom. And we recommend to the clergy of the Established discipline their living in brotherly love and communion with such Dissenters."—Her Majesty's Letter.

to be found giving aid to the Presbyterian cause. The feeling of the politicians was succinctly put by Stair in writing to Godolphin: "Many who were for the toleration do not think it of that consequence as to lose the Presbyterians for it, who are the most numerous and the most eager party in the Parliament."<sup>1</sup> A section went so far as to propose a clause in the Act of Security, virtually requiring the sovereign to be a conforming member of the Scots Establishment. This proposal was lost on a division.<sup>2</sup> But, on the whole, the Presbyterian party were triumphant. A declaratory Act was passed, ratifying and confirming the Church Establishment of the Revolution: and it was at the same time made high treason to impugn any article of the Claim of Right.

But the Estates were again, as they had been in the first Revolution Parliament, engrossed in temporal business more deeply exciting to them even than religious disputes. They had come back from the elections with a strengthened spirit of nationality, and proceeded actively to legislative declarations of hostility against England. An Act was passed, restraining the right of the monarch to make war on the part of Scotland, without the consent of the Scots Parliament. With the purpose of showing indirectly that Scotland held no part in Marlborough's great European combination against France and Spain, an Act was passed to remove the restrictions on the importation of French wines, and so to open a trade with the natural enemy of England. It was received with great satisfaction by the Jacobites, who found that it promised a means of communication with their exiled Court; and on that account it received the opposition of Fletcher, who ever disdained to serve the purpose of those whom he counted the common enemy. There followed many strong declarations of independence, and a ratification of

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<sup>1</sup> III. Report on Hist. MSS., 421.

<sup>2</sup> Minutes, 14th July. The motion was: "That the clause empowering the meeting of Estates do declare a successor to the crown of the royal line and of the Protestant religion, might receive the addition of these words—viz., 'of the true Protestant religion, as by law established within this kingdom.'"

the powers of the African Company. From the statutory part of this business the royal concurrence was not withheld.

In many of the proposals of that excited Parliament may be traced the spirit of republicanism which had appeared in the Revolution Convention, and ripened under the fostering care of Fletcher and his school. Of such a character was a plan proposed by Fletcher himself, which received the name of the Limitations. Its object was to take the patronage of office out of the hands of the Crown, and exercise it in the Estates by ballot. When some of the courtiers spoke of the project as republican, its author said, that it merely transferred the power of governing Scotland from a knot of English placemen to the national representatives. But the great efforts of the national party were concentrated on the famous Act of Security.

Immediately after the death of Queen Anne's last child, the Duke of Gloucester, the Parliament of England proceeded to a settlement of the crown of "England, France, and Ireland, and the dominions thereunto belonging." On an analysis of the royal family, discarding the offspring of Charles I., who, dispersed among the various European thrones, were all Popish, they found that, for a Protestant successor, they must look to the other descendants of King James I. They found what they sought in a venerable lady, who had been married to a considerable German Elector. The crown was thus settled on the Princess Sophia, the daughter of that unfortunate daughter of King James, whose husband was the King of Bohemia. If the Scots statesmen had followed the same process of genealogical analysis, they would have reached the same result, but it was a path not to be followed, for the simple reason that it had already been taken by England.

The "Act for the Security of the Kingdom," nominally introduced by Tweeddale, was fabricated into ultimate shape in hot debate, where it received its chief impress from Fletcher. Its main provisions, as it was passed, were these,—That on the death of the queen without issue, the Estates were to name a successor from the Protestant descendants of the royal line of Scotland, but

the admitted successor to the crown of England was excluded from their choice, unless "there be such conditions of government settled and enacted as may secure the honour and sovereignty of this crown and kingdom—the freedom, frequency, and power of Parliaments—the religion, freedom, and trade of the nation, from English or any foreign influence." It was made an act of treason to administer the coronation oath without instruction from the Estates. By a further clause, to come in force immediately, the nation was placed in a state of defence, and the able-bodied population were ordained to muster under their respective county heritors, or burgh magistrates.

This measure was the object of a long and fierce parliamentary battle, from the 28th of May to the 16th of September, when the Parliament was adjourned. Even in the journals of the House there are symptoms of the excited contest—in late sittings, frequent adjournments at critical moments to avoid offensive votes, and enforcement of the rules of the House against members whose impetuosity had carried them beyond the licence of debate. Charges of corruption, tyranny, and bribery—denunciations of foreign domination and insult—and lamentations, rather ferocious than pitiful, about national degradation and slavery, crowded the debate. Ministers scarcely dared to speak, lest they should be counted as the servants of their country's enemies; and when the Commissioner gave assurances in the hope of mitigating the fervour of the House, he was scornfully asked if he had obtained the consent of the Lord Treasurer of England, so as to be really able to keep his word should the House accept it. If a member said anything that could be construed as a leaning to England, cries to take down his words, or to send him to the castle, imported that scornful denunciation of his sentiments for which his opponents could not find argumentative expressions sufficiently powerful. Lord Marchmont brought down on himself a heavy storm of this sort of indignation. He professed to offer an Act to settle the succession. The House, curious to know what novelty was to be brought before them, listened patiently

while the clerk read it, until he came to the obnoxious words, "Princess Sophia:"—then the hurricane burst. Angry at having permitted themselves to listen to high treason against their Act of Security, they turbulently demanded of each other in what form they could most witheringly denounce this insulting proposal, and finally determined that all trace of such a project having been made should be expunged from the minutes of the House.

The Act of Security was triumphantly carried; but the Commissioner bluntly told the Estates that he was ready to give the royal assent to all their Acts save *that*. Denied the usual sanction to their favourite measure, they consoled themselves by strengthening the terms of their declarations of independence and denunciations of English domination. They spoke of rather dying freemen than living slaves; and, when attempts were made to interrupt the current of their wrath, said that, if denied the expression of their desires in Parliament, they would proclaim them with their swords. Fletcher again brought on his Limitations; and, led by him, the Estates were proceeding to vote for the frequent holding of Parliaments, annual elections, and the exclusion of office-bearers. He ventured even to sneer at the Popish exclusion, and said that, with proper limitations, he feared not the dominion of a Papist—without them, no religious opinions could afford security. In the midst of such rhetorical warfare, the House was adjourned on 16th September.<sup>1</sup>

At this stage of the main history a curious minor incident occurred,—called in England the Scots Plot, and in Scotland the Queensberry Plot. An intimation was received by the governor of Fort William from an officer stationed at Inverness, that a general gathering of Highland clans was to be held in Lochaber on the 2d of August. The avowed object was a grand "tinchel" or

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<sup>1</sup> The proceedings of this Parliament, so far as not recorded in the Minutes, will be found at considerable length in a note to Tindal, iii. 603 *et seq.* They are given even more fully, though not so distinctly, at the commencement of the second volume of Bower's Annals of Queen Anne. The most accurate, though not the most animated report, is in Hume of Crossrig's Diary.



driving of the deer ; but deeper views were supposed to be hidden beneath the projected sports, and statesmen suspected a political gathering, such as afterwards, under the arrangements for a Highland hunting, opened the Rebellion of 1715. There were other and more formidable symptoms. The English ambassador at the Hague was told that a considerable sum in gold had been sent mysteriously to Scotland through a commercial house there. In March the queen had granted through the Scots Privy Council a general indemnity, for political offences, to those who should promptly accept it, and qualify themselves by taking the oaths. It was not intended that it should extend to the immediate adherents of the exiled Court living abroad, but many of them returned to Scotland professedly to reconcile themselves to the Government, and come under the indemnity.

Thus suspicion was excited by the progress northwards of such men as Lindsay, the secretary of the Pretender's prime minister ; Sir John MacLean ; young Murray of Stanhope ; Robertson of Strowan ; and Lovat, who had fled for worse crimes than Jacobitism, and could not expect to find safety unless his presence were accompanied by a revolution. It is not clear how far the apprehensions of the Government were caused by realities. According to the accounts given by Lovat, he had laid before the exiled Court a plan for raising the Highlands, and he went over fully commissioned to put it in execution. Whether from suspicion of the man, or other causes, the clans would not obey his call, and he had to return to his friends in France with no better result of his journey than some bold falsehoods of his own invention. Whatever doubts, however, may obscure the fundamental designs of the Jacobites, some incidents of their visit left behind them real effects. Lovat, having a deep feud with Lord Athole, the Keeper of the Privy Seal, founded on the family disputes elsewhere mentioned, laid a plot for his ruin.<sup>1</sup> The Commissioner Queensberry, who had an official rivalry with his brother minister, was unconsciously

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<sup>1</sup> See above, chap. lxxxii.

prepared to aid in the project. Young Lovat obtained an interview with this high officer, on the assurance that he had important secrets to reveal. He made the startling but not unwelcome statement that Athole was in correspondence with the exiled house, and offered to produce evidence of the fact. He was desired to do so, and took the following method : He possessed a letter signed, with only one initial, by the ex-queen. It spoke as to a friend who would not be wanting when the day for exertion came. It had no address, and is believed to have been intended for the Duke of Gordon. Lovat took the liberty of writing on the blank cover the address of the Marquis of Athole, and so presented the letter, which attested its origin by the likeness of the exiled king on the seal.

The delighted Commissioner sent this letter, unopened, to the queen, on the 25th of September. The plotter Ferguson had in the mean time got some clue to Lovat's machinations, and, professing to join in them, reached the secret of this trick on Athole. Finding that there was no satisfactory and promising plot in which he could himself embark, he resolved to defeat this piece of mischief, and revealed it to Athole, who, indignant at what seemed the secret machinations of his colleague, demanded explanations. The result of these was, that Queensberry was obliged, in the midst of much censure and ridicule, to quit office.

Young Lovat, seeing the storm he had been raising about to burst on himself, suddenly disappeared, and was so fortunate as to find his way to the Continent, while denunciatory warrants of various kinds were thundering after him. Another, but inferior under-plotter, was, however, sacrificed. David Baillie was brought before the Privy Council charged with the old dubious offence of "leasing-making." The Council, after a trial too full of minor intricacies to afford matter of distinct history, sentenced him to be transported to the West Indies. This was deemed a dangerous stretch of prerogative in the Privy Council, which could no longer, as in Charles II.'s day, act unquestioned. There was uttered a threat to bring the matter

before Parliament. To avoid such an exposure, the sentence was withdrawn. Baillie, however, had to stand in the pillory, where, his cause having become popular, he received the honours conferred on such occasions upon democratic favourites.<sup>1</sup>

The elements of discord stirred up by the Queensberry Plot were not confined to Scotland. Like all the other Scots affairs of that day, it had an English history.

On the 13th December, the queen went in state to the House of Lords, and there intimated to both Houses, that she "had unquestionable information of very ill practices and designs, carried on in Scotland by emissaries from France, which might have proved extremely dangerous to the peace of these kingdoms." She at the same time wrote to the Privy Council of Scotland, directing them to institute a judicial inquiry into these transactions. As they related to the government of Scotland, this was the proper quarter on which to devolve the inquiry. The House of Lords, however, excited either by zeal or suspicion, took the inquiry on itself, and appointed a committee of seven, who examined, along with some inferior persons in the Jacobite interest, Sir John MacLean, who had been caught in England on his way to Scotland, where he said he expected to come within the indemnity. This, however, being a document issued outside of England by unknown persons, and through some forms of which the law of England knew not the existence, went for nothing.<sup>2</sup> MacLean, finding himself in danger, told all that he knew, if

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<sup>1</sup> Baillie's case will be found at length in the State Trials, xiv. 1035.

<sup>2</sup> On the 19th of April 1704, David Lindsay, who had acted as secretary to Lord Melfort, the Pretender's minister, was apprehended on the English side of the Border, and put on trial for high treason, under a proclamation by the English Government against any subject of her majesty passing to France. He pleaded not only the general indemnity in Scotland, but a specific pardon granted there. The Old Bailey, however, would not look at these documents. They might protect him elsewhere; but it was enough to guide an English court that he was a subject of her majesty, and that he had broken the proclamation. He was condemned to death as a traitor, but was reprieved. His condemnation was viewed even by his enemies in Scotland as a national insult.—See his trial, State Trials, xiv. 987.

not a great deal more. He gave the names of the council at St Germain's who had projected the rising; and said it was designed to place the Duke of Hamilton or the Duke of Berwick at its head. After a tedious inquiry, the committee reported the little that appeared to be authentic out of the multitudinous stories told to them, and the House addressed her majesty offering an opinion that the encouragement given to her majesty's enemies at home and abroad, was mainly caused by the succession to the throne of Scotland not being declared to be in the Princess Sophia.

This inquiry, and its result, created high indignation among the Scots, and they had the satisfaction to find that it brought on the House of Lords another and a nearer castigator. Their committee touched the House of Commons in a very sensitive place. The time had passed when the Houses could separately enlarge their privileges. Each appearing to possess all that was necessary for the development of legislation, any attempt by one of them to claim a new power, was certain to excite the jealousy of the other. The committee of investigation appeared to be an assumption of those powers of criminal inquiry and prosecution which were an executive function of the Crown. The Commons could not tolerate a precedent which might give a new and formidable power to the House of Lords, and addressed her majesty, begging her to exercise her prerogative, and instruct the inquiry to be carried on by her officers. Thus, for a time, the international contest broke off into an acrimonious parliamentary conflict between the two Houses in England.<sup>1</sup>

The Scots Parliament reassembled on the 6th of July 1704. The first formal business was the receiving a considerable list of patents of dignity, indicating at-

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<sup>1</sup> *Parliamentary History*, vi. 172-224. A Collection of Original Papers about the Scots Plot; 4to, London, 1704. Privy Council Records. Among other collections of letters and state papers, the best notion of the petty spite and trickery of the chief statesmen towards each other at this period may be found in the 'Jerviswood Correspondence,' edited by the late Earl of Minto, and presented to the Bannatyne Club.

tempts to secure friends for the Government among the leading members. The queen's speech, naming the Marquis of Tweeddale to succeed Queensberry as Commissioner, expressed, as sorrowfully as such a document could, her concern that, with all her endeavours to heal animosities and divisions, "the rent is become wider." The speech pleaded earnestly for the settlement of the succession, anticipating that, without that precaution, Scotland would speedily "make the kingdom the seat of war, and expose it to devastation and ruin."

The immediate business after this appeal was a resolution not to name a successor to the crown until a satisfactory treaty was made with England for the regulation of commerce, and in the mean time to take measures for securing the independence of the nation. The Estates passed a resolution denouncing the interference of the English House of Lords in their inquiry about the plot, and an address to her majesty regretting that such an encroachment had occurred upon her majesty's prerogative as Queen of Scotland, while they humbly requested that in her wisdom she would take such measures as might prevent the like meddling for the future.

The Act of Security was again passed, and apparently without resistance, for the temper of the nation and its representatives was now in that condition which makes statesmen dread discussion more than unchecked open enmity. It was deemed unwise again to refuse the royal assent. Fletcher and others had been propounding the formidable doctrine, that the touching with the sceptre was a mere form of authentication by the old constitution of Parliament. The touch, he said, gave authority to the laws, as the sovereign's stamp gave a currency to the coin, but there was no necessity for either. An Act of the Estates might be good without the touch, though a measure of the tyrannical reign of Charles II., illegally passed, had said otherwise. At that time, the tacking to supplies the bills which the Commons were determined to fight for, had become a frequent practice in England, and it was imitated by the Scots Parliament for the purpose of carrying the Act of Security. The form was

not the same as the English, as there was no Upper House to be coerced by employment of the privileges of the Lower. But the intimation was carried so far as a determination by the Estates not to grant the funds for the support of the Scots troops if the Act of Security were not touched with the sceptre ; and so, in the statute-book, it is immediately followed by an Act for the "supply of six months' cess upon the land rent."<sup>1</sup> When the queen desired the Privy Council to make inquiry into the truth of the Queensberry Plot, they complained, in their answer, that the loyal portion of the nation in the Lowlands was comparatively unprotected, while the Highland Jacobites were well provided with arms. This was a tacit reflection on the failure to sanction the Act intended for placing the nation in a condition of defence.<sup>2</sup> A project has been attributed to Sir John Dalrymple, who had succeeded his venerable father in the title of Lord Stair, characteristic of his bold reckless character. It was to supply the Scots troops with pay from the English treasury. The plan could not have escaped discovery, and the nation was not in a temper to tolerate it. If it were ever entertained, it was well that more cautious counsels prevailed ; but it was so seriously believed, that the Earls of Rothes and Roxburgh, with Baillie of Jerviswood, were sent to London to lay the matter before her majesty ; and the national apprehension was only allayed by her majesty's personal assurance that no such design was entertained.<sup>3</sup>

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<sup>1</sup> See the debate on the Tacking, in Hume's Diary, 146.

<sup>2</sup> The regular troops in Scotland, before the Act of Security was passed, amounted to a force of 2934, or in a round number, 3000, of whom a troop of guards, and two of dragoons, made 530 mounted men ; while in Edinburgh, Stirling, Blackness, and Dumbarton, there were resident garrison forces amounting to 324 men, more or less trained to the use of artillery. The regular infantry consisted of 15 companies of foot guards, with 46 men each, which, with two companies of grenadiers, made 806 men ; of two other regiments of foot, 772, and of a third stationed at Fort William, 410. The complements of the garrisons were—Edinburgh, 145 ; Stirling, 117 ; Dumbarton, 59 ; and Blackness, 3.—See Establishment of the Standing Forces, 15th May 1702, preserved in the Register House, and printed for the Maitland Club.

<sup>3</sup> Marchmont Papers, iii. 264.

It became now clear to Godolphin and the other sage statesmen of England, either that Scotland must be subdued and held, or must participate in the English trading privileges. That Scotland might have her own trade and colonies was an argument that had been experimentally tried and had failed. The great English interests had found that they would suffer more by Scotland as a free competitor, than by Scotland as a partner, and inevitably the competition had been suppressed. The sacrifice to be made in participation of trade was great—it was a high price—but high as it was it had better be paid than see Scotland under a dynasty of monarchs of her own separate selection, in close league with France.

England was in fact alarmed by rumours of a vast armament going on in Scotland. The numbers of men said to be in training, and the quantities of arms and accoutrements imported, were far beyond the limited capacities of Scotland. There was, however, a considerable muster and training under the provisions of the Act, and the Scots were not grieved to find that they had at last fairly sent alarm into the heart of haughty England. It was clear that the Act of Security, though the measure of a separate and independent legislature, must, in some shape or other, be examined and discussed by the two Houses of Parliament in England. The grave duty of opening the matter fell to Lord Haversham, who desired and obtained a call of the House on the occasion. His address was calm and serious, as befitted the weight of the matter at issue, and the peril of the juncture. He made no attack; he presented himself in the most impressive form in which a senator can come forth—grieved rather than angry, appealing to reason and reasonable men's desire of peace—and using no rhetorical weapon, whether of reprehension or sarcasm. His strongest disapproval was conveyed in these words: "I think every man wishes these things had not been; and, in my opinion, there is no man but must say they should not have been." He drew a slight sketch of the political state of Scotland—true both in its lights and in its shadows:—

"There are two matters of all troubles: much discon-

tent and great poverty; and whoever will now look into Scotland, will find them both in that kingdom. It is certain the nobility and gentry of Scotland are as learned and as brave as any nation in Europe can boast of; and these are generally discontented. And as to the common people, they are very numerous and very stout, but very poor. And who is the man that can answer what such a multitude, so armed, so disciplined, with such leaders, may do, especially since opportunities do so much alter men from themselves?"<sup>1</sup>

A sitting was appointed for the full consideration of the matter on 29th November, when the queen was present, "both to hear the debates about that important point, and to moderate by her presence any heats which might arise."<sup>2</sup> It was at first proposed that some vote of censure should be directly passed against the Parliament of Scotland, and the Opposition supported this view, as well calculated to embarrass the Government. But the ministerial leaders and their friends felt that to sit in judgment on the proceedings of an independent legislature

<sup>1</sup> Parl. Hist., vi. 370.

<sup>2</sup> Parl. Hist., vi. 371. Secretary Johnson writes to Mr Baillie of Jerviswood, 2d December 1704: "On Wednesday, the queen being in the House, at first on the throne, and after (it being cold) on a bench at the fire, my Lord Rochester desired that the Act of Security might be read. This was opposed and debated for an hour, as that which would irritate, and being against their friends. The Act read about Darien was authentic, being printed at Edinburgh; but the Act produced being printed at London, had no authority. The Church party were for reading, and the Whigs against reading, but yielded that it was an act of dangerous consequence to England, and that they all knew what it was, and might fix upon any part if they pleased in arguing. Lord Treasurer (Godolphin) said there were indeed great difficulties in Scotch business; but the way to overcome them was not to add to the irritation; that matters there were not irretrievable; that her majesty was in the way to bring matters there right; that she had employed men of capacity, and who are sincere and zealous in her service; and he hoped the House would do nothing to render matters more difficult. Here one said he was glad to know that matters were retrievable, for no man was a better judge than the lord who spoke. Thus the reading was dropt, as also the passing a vote upon the Act."—Jerviswood Correspondence, 14. In this letter there is a report of Bishop Burnet's speech on the occasion



was worse even than a declaration of war; it was the arrogation of a legislative superiority in England over Scotland. It was therefore wisely resolved, that though the measure adopted should be strong, it should be entirely one of internal protection, isolating England from her self-willed neighbour by protecting the country from invasion, and depriving Scotsmen of the privileges of English citizens, until both nations were either legislatively united, or could look forward to a common regal succession. An address was presented to the queen, desiring her to fortify Newcastle and Tynemouth, and repair the works at Carlisle and Hull; to embody, arm, and discipline the militia of the four northern counties, and to march regular troops to the Border. Her majesty's answer savoured of moderation, consideration, and delay. A survey applicable to the proposed fortifications was to be made and laid before both Houses, "and what forces could be spared from their attendance here, should be quartered upon the Borders as they had been the last year." The House proceeded rapidly with the necessary legislation. On the 20th of December, they read a third time, and sent to the Commons, a bill for the entire Union of the kingdoms. They were thus proceeding with measures for the consolidation of the empire, when they were met by a new impediment close at hand. The House of Commons felt that this juncture of danger and anxiety was a favourable one for distinctly asserting a new privilege, or rather a new application of one ancient and fundamental, that of originating all supplies in their own House. They treated pecuniary penalties in the bill as supplies, and, in the words of Burnet, "were resolved to adhere to a notion, which had now taken such root among them that it could not be shaken, that the Lords could not put any such clause into a bill begun with them." The Commons, letting the Lords' bill lie on the table, brought in their own. In its passage through the House, it was divested of a clause sanctioning all the Protestant freeholders of the six northern counties in taking arms. The bill was passed, and sent to the Lords on the 1st February. The factious hoped that the Upper

House would, in retaliation for the fate of their own, reject or mutilate this measure; but it was passed immediately, and without discussion.

The first department of this somewhat formidable statute made provision for a treaty of union. Power was given to the Crown to appoint commissioners, authorised to meet and transact with any body of commissioners that might have the authority of the Parliament of Scotland, and to lay the fruit of their joint labours before the sovereign and the legislature of each kingdom. The protective clauses prospectively enacted that after the 25th December 1705, until the succession to the crown of Scotland should be settled by the Parliament of that kingdom on the same line that was adopted by the Parliament of England, no native of Scotland, except those settled in the English dominions, or attached to the military or naval service, should possess the privileges of a natural-born Englishman; that in the mean time, under heavy penalties, no horses, arms, or ammunition, should be conveyed from England or Ireland to Scotland; and that ultimately, under forfeiture and penalties, no coals, no cattle or sheep, or native linen, should be imported from Scotland. The last clause enacted that the commissioners were not to be empowered to treat for "any alteration of the liturgy, rites, ceremonies, discipline, or government of the Church, as by law established."<sup>1</sup>

The right of the English legislature thus to protect their country, by isolating it from another nation which had a separate legislature, and might, at any moment, come under a separate crown, was not to be disputed. There were many fears that the hostile tone of the Act might offend the proud temper of the Scots; but if it was hostile it was not dictatorial, and involved less internal interference with Scots affairs than if it had dictated a treaty of union as the alternative that was to prevent the severance of the countries.

While this measure was passing through the English Parliament, a tragedy occurred, which told the statesmen

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<sup>1</sup> 3 and 4 Anne, c. 7.

of both nations, in the deepest tones, how necessary it was to accomplish a settlement of the national disputes, as the sole means of evading a conflict, of which the commencement was sure and near, but the end and results removed into impenetrable futurity.

The African Company, though their colony of Darien was ruined, still attempted to keep up their trade. They had a vessel called the *Annandale*, which they were to charter for the East India trade on her return from England, where she happened to be, apparently to obtain a few English seamen acquainted with the Indian voyage. When it was understood that there was, in an English harbour, a vessel in which seamen were rated for the Indian trade, she was seized at the instance of the East India Company, and condemned for breach of chartered privileges. The proper judicial routine was pursued. The English Government were vexed by so untoward an incident, and were anxious that an extreme measure should be avoided. But to attempt, unless with an effective force, to influence a great trading company, when its monopoly was touched, was a vain imagination, and the law was followed out to the utmost rigour.

It happened that a vessel called the *Worcester*, connected with the East India trade, had soon afterwards to put into the Frith of Forth for repairs. The vessel seems to have belonged not to that East India Company which had seized the Scots vessel, but to that rival English adventure called the *Million Company*, which rendered it so watchful and vindictive. But the Scots, seeing a coincidence apparently so providential, could not be expected to examine and perceive this distinction. As the vessel lay on the north side of the Frith, visible from Edinburgh, a general popular feeling arose that she ought to be seized in reprisal. The Government would not interfere ; but the African Company, founding on a clause in their Act of Parliament, which, intending to refer to the American and Asiatic seas, authorised them "to make reprisals, and, to seek and take reparation of damage done by sea and land," granted a warrant for the seizure of the vessel.

The Government officers declined to aid its en-

forcement ; but the Company's secretary, Mr Roderick MacKenzie, resolved to execute it, with such assistance as he could derive from adventurous friends. On a Saturday afternoon, mixing among the groups in the High Street, he enlisted in his project eleven "pretty fellows," with whom he determined to attempt the capture of the vessel. The little band were divided into two bodies, who were received on the deck of the Worcester as separate pleasure parties, unacquainted with each other. Hospitality was proffered on both sides and indulged in, the secretary moving through the vessel, and adjusting the apparently accidental distribution of his followers. At a concerted signal they each did his part ; and the crew, double their number, were overpowered without a casualty. Some of them were sent ashore, others kept in custody, and the anxious secretary found himself the captor of the vessel.

The Government officers appear to have still avoided acting on either side, until the affair assumed a new and darker aspect. It was rumoured that the crew of the Worcester spoke of their misfortune as a just retribution for their crimes ; and by a perverse ingenuity, a story was created out of their tipsy incoherences and confused explanations, importing that they had committed a piracy on a vessel belonging to the Darien Company, and murdered the crew. The vessel called the Speedy Return, commanded by Captain Drummond, had been long absent, and was associated with ugly rumours, seeming exactly to coincide with the ominous confessions of the crew of the Worcester.

It was at last deemed right that there should be a judicial inquiry ; for these rumours, along with a considerable portion of the national prejudice that realised and invigorated them, had penetrated to official quarters. The Privy Council pursued a close investigation, and at last instructions were given to indict Green, the commander of the vessel, and some of his crew, for piracy and murder. The trial began in the High Court of Admiralty on the 5th of March 1705. After a long and exciting trial, there was a verdict of guilty, and condem-

nation to death. It must have been evident to English lawyers then, as it is to impartial readers now, that it was not the proof of the crime, but the passions and innate belief of the jury, if not of the court, that carried this verdict, followed by condemnation to death. If it had not been for the prepossession that Drummond and his crew had met a foul fate, the evidence against Green would have failed to prove that he had committed a piracy at all.

The populace, however, were determined that he should suffer, and the official men had too little firmness, or too much sympathy with the general cry for vengeance, effectually to resist the rush. The English Government, and the few Scotsmen able to see that the convicts were the victims of national fury, were extremely uneasy. Many earnest messages were sent from the Court to the Scots Privy Council, accompanied by affidavits and other papers, tending to show that the men said to be murdered might be still alive. The records of the Privy Council still bear evidence of a sad deficiency in courageous justice. The queen, who could only employ the prerogative in such matters through the Council, had desired them at all events to postpone the execution until farther inquiry should be made. The Council were divided and shaken,—so shaken between the queen's desire and the Edinburgh mob roaring round them, that they would not act, and the law was left to take its course. On the 11th of April, Green and two of his crew were led to execution amidst a fierce mob, who would have done the hangman's office themselves, as their children did by Porteous, had the duty not been performed by the usual hands. The poor men were sacrificed, not to penal laws, but to national hostility—they were victims of war rather than of justice; and there was afterwards abundant reason for believing that Captain Drummond, whom they were charged with murdering, was alive in a distant land, while their bones were swinging in chains on the sands of Leith. Nearly twenty years later a strange revelation was made by a wandering sailor. It might have gratified Scotland by adding a name to the list of her adventurous sons who held a brave career in distant regions; but it gave sub-

stantial addition to the reasons for suspecting that Scotland had committed a national crime, and it seems to have passed unnoticed. The sailor, named Robert Drury, had seen Captain Drummond and part of the crew of the *Speedy Return*, some years after they were held to have been murdered, and after Green had been hanged for murdering them. The evidence in the trial had traced them to Madagascar where they were shipwrecked, and there Drury found them. Drummond had made himself a power in that great island. He seized and held to ransom a king who would have slain him, then escaped into a French colony in the island, organised a force, and became a sort of sovereign, with wars and alliances.<sup>1</sup> Duncan Forbes of Culloden, in his place in Parliament, when there was debate on the Porteous Mob, commented on the death of Green, saying: "I was so struck with the horror of the fact, that I put myself in deep mourning, and with the danger of my life attended the innocent but unfortunate men to the scaffold, when they died with the most affecting protestations of their innocence. I did not stop here, for I carried the head of Captain Green to the grave; and in a few months after, letters came from the captain for whose murder, and from the very ship for whose capture, the unfortunate persons suffered, informing their friends that they were all safe."<sup>2</sup> Forbes was then just twenty years old.

On all the Scots organs of discussion and denunciation there seems to have come an ominous silence after the tragedy was over. While pamphlets and parliamentary speeches allude to the matter no longer, the quiet records of the Privy Council show that the rest of the

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<sup>1</sup> *Madagascar, or Journal during fifteen years' captivity on that Island*, by Robert Drury, 1722. There is incidental confirmation of the truth of his story. See *Gentleman's Magazine* for 1769, p. 171.

<sup>2</sup> *Parl. Hist.*, 284. I am not aware of any other reference to such letters. For a fuller statement of the grounds on which there seems reason to believe that Drummond was alive, along with other incidents of the trial of Captain Green, see '*Narratives of Criminal Trials in Scotland.*'

crew were unconditionally liberated in autumn. This was almost a confession of the judicial slaughter of Green, for if he was guilty they were scarcely less so. This tragedy, wherever it was understood in England, naturally created high indignation. But it is a remarkable instance of the slight communication and sympathy between the countries, and also of the unconsciousness of England to the formidable condition of Scotland, that the fate of Captain Green and his crew had little more interest to the wide English public than if it had been an affair with Algerian pirates.

At the time when Scotland gave these testimonies of deadly hostility, one of those who make it their favourite pursuit to unearth from ancient records matter of political offence, revived the old question of the feudal superiority of the Crown of England, and the vassalage of Scotland. The attempt was received in Scotland with a yell of indignation. The person so successful in thus raising the formidable national excitement was a certain William Atwood, a barrister, who, as Bishop Nicholson says, "had conversed much with the records in the Tower in London, or at least with Mr Petyt, the keeper of them." This was the last occasion when the old claim of England was proclaimed to the world, for it brought a settlement of the question of the forged charters.<sup>1</sup> They were still preserved as precious muniments in England. That they were authentic was believed by many of the half-instructed rummagers among old parchments; and so confident was Atwood on this point, that he referred it to James Anderson, the earliest of the eminent charter archæologists of Scotland. It happened that Anderson had been working out the question in arranging materials for the publication of that collection of ancient Scots munimental fac-similes which, in its solid magnificence, has scarcely been matched in any other land. Atwood's appeal to him proved an indiscretion in which some saw an overruled fatality. Anderson published an octavo volume, called 'An His

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<sup>1</sup> See chap. xxix.

torical Essay, showing that the Crown and Kingdom of Scotland is Imperial and Independent.' Atwood published a rejoinder, but it was unnecessary to attack it. Anderson had gained a complete victory. The whole question has in later times been so amply investigated on surer grounds, and with soberer judgments, that little use could be derived from a perusal of this controversy. On the 10th of August 1705, it was voted that the sum of £4800 Scots should be awarded to Anderson in acknowledgment of his services; "as also that the thanks of the Parliament be given him by the Lord Chancellor, in presence of her majesty's High Commissioner and the Estates." On the same occasion, Atwood's books were appointed to be burned by the hands of the hangman in the market-place of Edinburgh.

The Parliament whose task it was to consider the overture for a union, at last made by England with so bad a grace, assembled on the 28th of June 1705. Annandale's ministry was deemed incompetent to deal with so great a question, and it was thought necessary to restore Queensberry, though his last misadventure was still fresh in recollection. Queensberry did not at once return to his high office, but took the secondary place of the Privy Seal. The distinction of representing the Crown was conferred on the young Duke of Argyle, whose high spirit and talent bade fair to rival the reputation bequeathed to him. Another young nobleman, Lord Leven, son of the Earl of Melville, found himself made joint Secretary of State along with Annandale; and generally the Queensberry ministry were restored with but two minor exceptions, of whom Lockhart, the annalist, significantly records that he was one.<sup>1</sup>

Parties in the coming conflict stood somewhat thus. The majority were prepared to stand by the old demands for free trade and a communication of navigation and colonial privileges, however they might range themselves in the minuter division of parties. The independent or national party, headed by Fletcher, were the personifica-

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<sup>1</sup> Lockhart Papers, i. 113.



tion of these demands ; yet it will have to be recorded that some of their leading men became opponents of the incorporating union, as too great a national sacrifice even for the obtainment of such ends. There was one compact party—the Jacobites or Cavaliers—who were resolved to oppose the union in every shape. They levelled against a separate, small, compact party, on whom they failed to produce the desired influence, the nickname, drawn from military nomenclature, of the “Squadron Volante.” The name was given to them because they acted together in a compact phalanx, and thus sometimes commanded and turned the fortune of the day, to the great indignation of the Jacobites.

The nominal leaders of this body, called by their enemies the “Squadron,” but by themselves the “new party,” were the ex-Commissioner Lord Tweeddale, with the Earls of Rothes, Roxburgh, Haddington, and Marchmont, Baillie of Jerviswood, and Johnston the ex-Secretary of State. But many of their most effective men were those members of the national party who were not, like their leaders Fletcher and Belhaven, scared by finding that the treaty was to be incorporating instead of federal.

In the queen’s message, the settlement of the succession was again earnestly and affectionately pressed upon the notice of the Estates, and they were urgently advised to follow the example set by England, and provide for the appointment of a commission to treat for a legislative union. There was abundance of hot discussion on the royal message ; and when a draft of an answer was laid before the House, an amendment was carried that, instead of taking it up, they should proceed to the consideration of matters relating to trade. This opened some projects for the restoration of the country’s wealth, without either an alliance or a quarrel with England, but they received scanty notice. Among these John Law of Lauriston proposed a scheme, already referred to. It received from the Estates only the negative contained in this minute —“Proposal for supplying the nation with money by a paper credit read ; and after reasoning and debate thereon,

it was agreed that the forcing any paper credit by an Act of Parliament was unfit for this nation.”<sup>1</sup> A proposal for a land bank by Hugh Chamberlain, who, as we have seen, had in vain attempted to work out a like project in England, met with little more attention. The question of trade, however, produced a measure, to which, at the moment, the national party attributed great importance. It might, perhaps, have materially influenced Scots history, had not immediately subsequent events reduced its importance to that of a mere casual event. This was the appointment of a Council of Trade. The nomination of its members was not left to the Crown, but they were specifically named in the Act; and their judicial and executive powers were so supreme, that, in this great department of national affairs, they must have superseded the Crown, the Privy Council, the courts of law, and even the Parliament by which they were created.

Among the other proceedings in this Parliament, before the great question of the Treaty of Union came on for battle, there were several which served only as temporary indications of feeling, and were prevented by subsequent events from coming into legislative existence. They were resuscitative of the limiting projects of the previous session, and, like them, were directed against the Crown. It was their avowed object that the monarchic institutions of the country must be sacrificed, should there be no other means of freeing the Government from English influence. Thus a measure was carried, which, on the queen's death, was to make the officers of state and the judges of the supreme courts elective by Parliament, if the two nations should come under the same monarch.<sup>2</sup>

By another Act, the inducement to which is obvious, it

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<sup>1</sup> Act. Parl., xi. 218.

<sup>2</sup> A modified proposal, that the Estates should only have a veto on the Crown selection, was lost. “After debate upon nominating the said officers, it was put to the vote—If the nomination of the officers of state, &c., shall be by the king in Parliament, with the advice, consent, and approbation of the Estates, or if the nomination shall be by the Estates of Parliament; and carried that the nomination shall be by the Estates of Parliament.”—Minutes, 16th August.

was provided that a Scots ambassador should be present at every treaty made by the monarch of the two kingdoms with a foreign power. A third Act appointed triennial Parliaments, and was to come into effect at the expiry of three years. None of these Acts received the touch of the sceptre, nor was the royal assent to them pressed after the question of the treaty was seriously opened.

These innovations were accompanied by wider proposals of the same character, which did not receive the sanction of Parliament. Fletcher brought forward a great measure of Limitations and Securities, introduced by one of his bold and vivid speeches. By this scheme the Parliament was to become a provisional government on the queen's demise, with established limitations for the protection of the country's nationality, in case it should prove impossible to prevent the monarch of England from being also monarch of Scotland. These provisions involved annual Parliaments; the disqualification of placemen to vote; the passing of Acts by the assent of the elected president of the Parliament, as equivalent to the touching of the sceptre; the vesting of the patronage of office, and the distribution of emolument, in the Parliament, whose assent was not only virtually but directly necessary to the support of an armed force, and to declarations of war and treaties of peace. A committee of thirty-one members was to sit in the intervals of sessions, to exercise the executive powers of Parliament, and be a cabinet council elected by that body. The scheme involved—along with whatever is offensive to levellers in the pomp, dignity, and inequality of a monarchy—all that is practically cumbrous and unworkable in a headless republic. To its other features must be added that of vote by ballot. This expression did not indicate the plan of secret voting for representatives now known by that name, but an arrangement for concealing the votes of members of Parliament from the Court. It was not new to the practice of the Scots Parliament, where we have found it started as an eccentric variation in the Parliament of Charles II.<sup>1</sup>

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<sup>1</sup> See chap. lxxviii.

Fletcher's project, along with the other incidental matters then brought before the Estates, in reality only offered a temporary diversion during the anxious lull, before the great question, on which hung their country's fate and their own, should come on. When it was seriously begun to, all others were left in their several stages of advancement as forgotten things.

It is on the 25th of August that we first find the draft of an act for a Treaty of Union brought specifically under the notice of the House. On the 28th, Fletcher, ever at his post, proposed that a loyal and dutiful address should be sent to her majesty,—“That the Act lately passed in the Parliament of England, containing a proposal for a Treaty of Union of the two kingdoms, is made in such injurious terms to the honour and interest of this nation, that we who represent this kingdom in Parliament can no ways comply with it.” The House, however proceeded with the bill, and resumed consideration of its clauses on 30th August, when some of the details were considered and passed. On the 1st September it was resumed. It was passed as a general resolution, that commissioners for treating of a Union should not meet those authorised on the part of England, until the Act of the English Parliament, so hostile to Scotland, was repealed. It was warmly debated whether this condition should be inserted in the Act, or should be the substance of a separate address to the queen. After angry debates and protestations, the latter alternative was carried by a vote, which, to the modern reader, may seem the welcome commencement of a rational policy, worthy of forbearing statesmen awakened to a sense of public duty, while to the fanatic opponents of the Union, it was the first startling indication of treachery and subserviency. They were destined to see their suspicions alarmingly confirmed ere that day's sitting was over.

In fact, on that day, with hard and rapid work, the Act for appointing the commissioners was carried, and the first great step towards the Union taken. When the plan for separating the address from the Act was passed, the hour was late, and we are told that many of the members

of the Opposition, deeming the business of the day finished, had left the House. But a question of the utmost importance was then brought on. Were the commissioners for the Union to be appointed by Parliament, or left to the nomination of the Crown?<sup>1</sup>

The Jacobites were dead against a Crown nomination, believing that on an interruption of the business on this point they would have with them the republican sympathies of Fletcher and his immediate followers. The Duke of Hamilton, as leader of the Jacobites, was expected to be foremost in resistance. It may be imagined, then, how the small remnant of his supporters who remained in the House far in the night of that tiresome day, were astonished when the duke stood up and moved that the nomination of the commissioners should be with the queen. The appalled remnant maintained their battle with fierce and frantic eloquence, but without avail. The minutes sententiously bear—"Thereafter the vote was stated,—Leave the nomination of the commissioners to the queen, or to be done by the Estates of Parliament; and carried to be left to the queen." The final vote was then proposed, and the "Act for a treaty with England" was carried.<sup>2</sup>

The Act followed in its general terms the example set in England, appointing the conditions of treaty, when they should be adopted, to be committed to three writings, one for each Parliament, and the third for her majesty. It contained an important condition, specially carried before the general question was brought on, "That the commissioners shall not treat of or concerning any alteration of the worship, discipline, or government of the Church of this kingdom, as now by law established."

Three days afterwards, on the 4th September, the

<sup>1</sup> Jerviswood Correspondence, 119.

<sup>2</sup> "Then the question moved how the commissioners should be named. D. Ham. moved it might be by the queen. Saltoun opposed that most bitterly. Put to the vote, and carried by about 40 it should be by the queen." The minutes contain evidence of the lateness of the hour,—“Moved, it being now late, the farther proceedings in this Act be delayed till the next sederunt; and the vote being stated, Proceed on this act or delay—carried. Proceed.”

Parliament reassembled, and passed an address to the queen, on the bringing up the Act for her assent. Referring to the great measure as passed "in the most fair and equal terms that could be expected," the address opened on the hardship and offence to Scotland of that threatening Act which was to make the Scots aliens, and cut off from them in England the privileges which had been for a century reciprocal between the two nations; and set forth that the Scots Parliament found it absolutely necessary for maintaining the honour of their nation, to agree and order unanimously, "That the commissioners shall not commence any treaty, until the injurious clauses are repealed." The precise efficacy of this resolution might have been a matter of doubt. Had its condition been incorporated in the Act, as the minority desired, it is clear that the treaty would have been only conditionally authorised, and that if any legislative jealousy should suggest the unworthiness of repealing an English Act on the dictation of a Scots legislature, the project would yet be defeated. But the Act was in itself a clear and conclusive authority; and some means might be found for neutralising the resolution, even if it had any authority beyond the session of Parliament, which was disputed. The clear and liberal mind of Lord Somers, however, found an immediate remedy for such difficulties; and at his suggestion, when the English Parliament met on 25th October, the offensive clauses were immediately and frankly repealed.

The delicate task now remained of selecting the commissioners. The appointment for Scotland was issued on the 27th of February, that for England on the 10th of April, 1706. The former was, according to national custom, in Latin; the other in English. Their terms did not differ to any noticeable extent, unless the homage to national peculiarities in describing Scotland, in the Scots commission, as the ancient kingdom, may be deemed a slight touch of judicious statecraft. The numbers were thirty-one on either side. There were some material and emphatic differences in the nature of the two lists. In

the English, every member who was not a peer was an official person, as if the matter were left by the nation in the hands of the Government. The Scots list was of a more representative character. It contained not only the names of private gentlemen, such as Smollet of Bonhill, and Campbell of Ardentinnie, selected from the smaller barons or county members, but it professed to represent the burgal interest in Sir Patrick Johnstone, the provost of Edinburgh, and Hugh Montgomery, ex-provost of Glasgow. There was no attempt to represent the Scots Church; while, according to ancient etiquette, the two archbishops were appointed on the English side. But however this might be disliked in Scotland, it was not consistent with the avowed claims of the Scots establishment, to acknowledge, by representation in such a secular body, its power to affect her position; and she was better served by the condition in the Act specially excluding the "discipline and government" of the Church from the deliberations of the Commission. The leaders of the Church were well aware that, before any measure founded on the treaty could pass the Scots Parliament, they would have a far more palpable opportunity of standing by their establishment than representatives could command in a secret conclave. One man, the Duke of Hamilton, was designedly omitted from the Scots list. It was seen, with some surprise, that the name of another territorial potentate, to whom there were no similar objections, the Duke of Argyle, was not there; and it is said that, having engaged to get the Duke of Hamilton appointed, he took umbrage at not succeeding, and withdrew his own name. One name on the Scots list seems to have astonished its owner—George Lockhart of Carnwath. He appears to have been chosen on the somewhat courageous policy of not leaving the opponents of the union wholly unrepresented. He gave no trouble; and when his Jacobite friends reproached him for allowing all to go on without a remonstrant voice, he explained that he sat at the board not as a commissioner but as a spy. In this he seems to have felt as justifiable as the officer who assumes a peas-

ant's disguise, and enters the enemy's camp at the risk of being hanged.

The commissioners assembled in the old council-chamber of the Cockpit, at Whitehall. At their first meeting, on the 16th of April 1706, they exchanged addresses,—the Lord-Keeper of the Great Seal speaking for England, and the Scots Chancellor for Scotland. These speeches were not properly intended to gain any point or take up any policy, but to place at the commencement of the proceedings deliberate interchanges of courteous goodwill, as combatants interchange courteous defiance. The commissioners, having thus seen each other, adjourned for six days, and on the 22d the serious business commenced. The method of proceeding was, that each body, in its separate capacity, should offer articles or propositions for the adoption of the whole board; that the other party should separately deliberate on every article so offered, and should report to the assembled board their adoption or rejection of it. Preliminary articles for carrying out this method, clear and brief, were proposed on the part of England. They were, that each proposal should be made in writing, and each point agreed on specifically recorded; but that nothing assented to should be held binding on either side, until the whole treaty was drawn up in a condition to be laid before Parliament. A small committee was appointed on each side to authenticate the proceedings—a duty which the body at large might overlook in the fervour of important discussion. Finally, it was resolved that “all the proceedings of the commissioners of both kingdoms, during the treaty, be kept secret.” Without such a protection, it would have been impossible for the board to carry on their delicate operations. Whatever verbal discussion may have taken place during these meetings is now for ever buried in oblivion. We possess only what was put into writing, but the minutes of the board are both full and instructive.<sup>1</sup>

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<sup>1</sup> The best report is in “Proceedings of the Commissioners appointed to treat for an Union betwixt the Kingdoms of Scotland and England, 16 April—23 July 1706,” Scots Acts, xi., Appendix.



After the preliminary arrangements, the English offered an article containing the fundamental principles of the treaty—one kingdom with a new name, one Parliament, and a destination of the new crown according to the Act of Succession. It was felt that on the adoption or rejection of this proposition, the fate of the whole project depended.

The board stood adjourned for two days. On the resumption, the Scots commissioners intimated their approval of the subsidiary arrangements for conducting business. To the fundamental proposal submitted to their consideration, however, they did not bring up an answer, but they submitted certain proposals of detail on their own part. Their substance was, that the descent of the crown of Scotland should be fixed on the terms of the English Act of Succession; that there should be a mutual participation of rights and privileges; and that there should be a mutual free trade, in which the colonies were to be included. These propositions pointed to a federal rather than an incorporating union. They would still leave two nations with separate interests and jealousies, and distinct legislative organisations to represent them, instead of one nation, of which the component parts would gradually fuse into each other. The accomplishment of this end, the English commissioners felt to be the chief object for which they worked. If it were not to be carried, they need not go on; and with fortunate firmness they desired an answer to their first proposal, as a condition of proceeding with the treaty.<sup>1</sup>

Next day the Scots commissioners gave their acceptance of the proposal, accompanied with a demand for

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<sup>1</sup> This position was assumed by them with due courtesy. Thus, "The Lords Commissioners of England are so fully convinced that nothing but an entire union of the two kingdoms will settle perfect and lasting friendship between them, that they therefore think fit to decline entering into any further consideration of the proposal now made by the Lords Commissioners for Scotland, as not tending to that end; and desire that the Lords Commissioners for Scotland would be pleased to give in their answer to the proposal delivered on Monday the 22d instant, by the Lords Commissioners for England, in order to an entire union of both kingdoms."

reciprocity of citizenship and trading privileges. This was doubtless intended to stand on the records of the transaction as evidence that the Scots commissioners came to independent terms with the English, and were not beaten by them. The condition was frankly accepted as "a necessary consequence" of an entire union; and thus this fundamental difficulty being over, the commissioners could proceed to adjust the details, with the view of making the citizens of each nation, as far as practicable, equal citizens of the new nation into which the two were to be combined.

The next object of negotiation was the adjustment of taxation and national burdens, a complex and difficult task, but not so perilous as those which had been accomplished. It was comprehensively proposed on the side of the English, "that there be the same customs, excises, and all other taxes, and the same prohibitions, restrictions, and regulations of trade, throughout the united kingdom of Great Britain." They probably did not expect easily and simply to sweep away all difficulties in a comprehensive sentence, but they had set forth distinctly the object to which negotiation ought to tend. They considered a uniform system of taxation so vitally important, that they did not hesitate, with wise liberality, to intimate that England was ready to pay for it in immediate cash—and in the end, as we shall see, she did so. The complete uniformity of taxation was not entirely effected, but any exceptions to it were trifling and casual. But the extent to which the object was thus in one sweep accomplished, is eminently creditable to the statesmen who carried the Union. The Scots commissioners proposed to discuss the matter in detail; a reasonable proposal, cordially acceded to. In the course of the discussion, and after they had yielded the most important points of immediate practical interest, they threw out a distinct hint that some guarantee to Scotland should limit the extent of the future taxation to which their country might be liable. This proposal was, however, calmly, but decidedly, faced as inconsistent with a complete incorporation, the English commissioners saying, "the Lords Commissioners

for England are of opinion, that it cannot be supposed the Parliament of Great Britain will ever lay any sort of burthens upon the united kingdom, but what they shall find of necessity at that time for the preservation and good of the whole, and with due regard to the circumstances and abilities of every part of the united kingdom ; and to allow of any supposition to the contrary, would be to form and set up an unanswerable argument against the Union itself."

When they had mastered the details of the financial position of the two countries, a concession eminently satisfactory was made by Scotland, "That all parts of the united kingdom of Great Britain be under the same regulations, prohibitions, and restrictions, and liable to equal impositions and duties for export and import." This concession was indeed essential to that free trade for which Scotland had been struggling. It immediately set at rest all fears of adjustment, by making a uniformity in that one branch of taxation where uniformity is most essential to united nationality. Two districts may have distinct house taxes, or window or stamp duties, yet be in all essentials one people, the operation of the tax being purely territorial. But two territories which have different imposts on trade, have distinct interests, in their mutual relations and their intercourse with the other nations of the world, and retain a potent element of disunion. A few exceptions made from the general principle of uniform duties for the whole island, were infinitely troublesome until they were repealed ; and the impolicy of even trifling local exceptions to the general sweep of a tariff has been amply shown, to the torment of statesmen, in the history of the Isle of Man and the Channel Islands. The Scots, having the Equivalent in view, made a farther concession of an equality of excise on liquors. The chief element in the English duties was the tax of 2s. 6d. on beer and ale, and the whole amount of the excise duties brought a revenue of £677,765, while that of Scotland was £30,000, or less than a twentieth part of the amount. Had the excise in England been systematised according to Walpole's notions, an accommodation would have been more difficult;

and we shall afterwards see how bitterly the seeds of strife were sown in Scotland by the enlargement of the excise duties. But there were other features in the English revenue of the time, conducive to an equitable adjustment of interests. It was pleaded on the part of Scotland, that before the country would find itself able to participate in the heavy taxation of England, it would be necessary that she should enjoy for a few years the prosperous fruits of the Union, with the substantial help of the Equivalent. It was proposed, therefore, to afford a temporary exemption from some taxes. It was fortunately found that many of the imposts which it was most expedient so to postpone, were only temporary in England, and thus the question of adjustment could be appropriately left to the united Parliament on their expiry. The registry and malt duties were to expire immediately, the latter being annual ; the window duties and a portion of the stamp duties were to expire on the 1st August 1710, while the heavy tax on coals expired on the 30th September in the same year—an exemption from these, while they lasted, was the easiest adjustment of difficulties. The salt duty was more troublesome, as it was permanent, and affected—what has always been treated, though not quite deservedly, as an important part of the national wealth of Scotland—preserved fish ; but in this too a satisfactory arrangement was made. This small matter, however, was one of the most tedious, if not the most difficult, in adjustment. It was settled by an exemption to Scotland from an internal salt duty for seven years, fortified with elaborate protections to England from importation, whether in a simple or impregnated shape.

It was on the land-tax that the Scots commissioners made the best bargain ; and it is not uncharitable to suppose, that in its adjustment they had an eye to their own interest as landowners. The land-tax of England was nominally 4s. a pound on the rent. There were many reasons why a nominal uniformity, by the extension of the same rate to Scotland, would prove a practical inequality. Rent did not mean precisely the same thing in the two countries. While the English farmer was often a capitalist,

with land which he held on the terms of an easy investment, many Scots estates were rackrented by needy people, competing for the privilege of tilling their small allotments, like the Irish cottars of later times. In districts of another character, rent scarcely existed—the landowner's estate consisting in the service of his followers. A third class of estates were those where the tenants' or vassals' acknowledgment was paid in kind, and could not be easily valued. It was shown that in England long practice had confirmed certain systems of "fining down" estates, or exacting the tenants' return, not entirely in annual rent, but in fines. What the Scots had most powerfully to plead, however, was that in England the 4s. per pound had never been actually levied upon the specific rents. The sum demanded was spread over the kingdom. Each county supplied its quota, raised within itself, and sometimes falling as lightly as 2s. per pound. It was pleaded that the same arrangement should be extended to Scotland, by drawing from the country an annual sum, equitably adjusted to the amount drawn from England. That amount, under the 4s. system, was £2,000,000. It was proposed and agreed to that Scotland should furnish £12,000 for each 1s. per pound levied in England. Thus when the rich country paid £2,000,000, the poor was to contribute £48,000. This amount of less than £50 for each £2000 paid by England, was doubtless unjustly proportioned. It would seem to be extravagantly unequal at the present day, when the progress of the country in wealth enables it to pay in income-tax a tenth of the amount payable in England. But the Scots landowners of that day, though feudally powerful, were extremely poor in a pecuniary sense; and something must be allowed to the weakness of poor human nature, when negotiators are treating on their own direct interests.

Elaborate statements of the different items of income and expenditure of the two kingdoms were laid before the board. From these documents the following comprehensive results are derived:<sup>1</sup> The total revenues of

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<sup>1</sup> The documents may be found in De Foe's History, but in a more

England amounted to £5,691,803, 3s. 4½d. In Scotland the pernicious system of farming the duties was adopted; and a general calculation was made that, increasing the land-tax from £36,000 to £48,000, the revenue of the country would amount, in a round sum, to £160,000. The debts of England, permanent and limited—then in a more complex condition than they are at present—gave a total amount of £17,763,842, 17s. 3½d. In Scotland the real and the nominal debts were different things. It would have been difficult to rate the full amount of the latter. The English system of paying all immediate obligations, and where the revenue for the time was insufficient to meet them, charging some special tax with a loan for the purpose, had not been adopted. The obligations of the country not being measurable in specific loans, were roundly estimated at £160,000, the amount of the annual revenue. When the funds assigned for the payment of debts in England were compared with the corresponding sources of income in Scotland, the following curious results came out: Against a sum of £1,341,559 of customs duties in England, the amount from the same source of revenue in Scotland was set down as £30,000. When this was divided, as if it had been a portion of the English fund, into available revenue, and the portion set aside to pay debt, it appeared that the amount devotable to the current expenses of the empire would be £6239, while that to English debts would amount to £23,761. It was roughly inferred from this that for every £1000 a-year of additional customs duty levied in Scotland, a

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full and authentic form in the Appendix to the eleventh volume of the Scots Acts. De Foe has put them together with extreme carelessness, and the author found, in checking the sums arithmetically, that there must be many blunders. In the more correct copy in the Acts, it was necessary to make allowance for at least one inaccuracy, where items could not be adjusted to a summation. A rigid arithmetical analysis might perhaps show where the error lies, but at this time of day it seems unnecessary to correct it, as it does not touch the incidence of general results. Any one who amuses himself in a leisure hour with testing arithmetical calculations, generally received as true, will be astonished to find how often they are inaccurate.

proportion amounting to £792 would be raised for payment of the debts with which England was burdened, and would, in fact, be forestalled by that country's extravagance. So also, when the two excise tariffs and the burdens on them were examined, the amount levied in England on liquors was set down as £947,602, against £33,500 in Scotland; and when, by the rule of three, the latter sum was apportioned on the payments borne on the excise of England, as if it had been raised there, it was found that a sum of £20,936 would go in payment of debt. Thus, for every additional £1000 which the Scots raised in excise duties—anticipating that the prosperity of the country after the union would greatly increase the fund—it appeared that about £625 would go in payment of the debts of England.

A little attention is necessary for understanding the exact nature of the "Equivalent" offered from England as a compensation for these inequalities, and the calculations on which it was founded. One part of it was indefinite in amount. It was to defray the proportion of the increase on Scots taxation, which was to go in payment of the debts of England. The amount could not of course be calculated until the extent of the increase was known; but a foundation for the calculation was laid. It was shown how much of every thousand of increase on the several funds went to pay for the English debts so long as they respectively lasted. As to the extent, however, to which the revenue of Scotland, taken at its existing rate, would be burdened with the debts of England, it might be estimated and paid over at once. The method in which it was calculated arises naturally from the analysis of the two revenues already described. Each source of revenue in Scotland was compared with its corresponding source in England,—the excise with the excise, the customs with the customs. But as each class in England—take, for example, the customs—consisted of several funds, each fund being charged with separate debts, it was necessary to divide the whole of the Scots customs fund according to the manner in which the English fund was thus divided. This was absolutely necessary for taking the value of the

English debts over any series of years, because they were numerous, and some were for short, others for long periods, while several were for annuities and other contingencies, which required averages to be struck. Thus when the annual amount of Scots customs duties applicable to the debt of England (£23,761) was extended over the respective debts, the amount was found to be £93,479. When the same rule was applied to the excise, the amount was £304,606, 10s. In this manner was made up that Equivalent Fund of £398,085, 10s., which, left unexplained, has often puzzled the reader by its fractional character.<sup>1</sup>

<sup>1</sup> An example taken from the division of the customs will best serve to show the process,—

Annual amount of English customs, £1,341,599 0 0		Annual amount of Scots customs, £30,000 0 0	
Appropriation of the English customs, —		Proportional division of the Scots customs according to the ap- propriation of the English,—	
Civil government,	£253,514 0 0	.	£5669 0 0
Unappropriated,	25,480 0 0	.	570 0 0
Appropriated for debts till 24th June 1710	116,475 0 0	£2,605 0 0	
Till 1st Aug. 1710,	706,471 0 0	15,798 0 0	
Till 30th Sept. 1710,	160,000 0 0	3,578 0 0	
For 98 years, from 8th March 1706,	79,619 0 0	1,800 0 0	
		-----	23,761 0 0
	£1,341,559 0 0		£30,000 0 0

The four parts into which the sum total of the debts on the customs of England, spread over the respective periods, when compared with a similar division of the corresponding proportions of the Scots customs, showed the following results :—

£2605 per annum, from 25th March 1707, until the 24th June 1710, estimated in present money, . . .	£7,577
£15,798 per annum, from 25th March 1707, to 1st Au- gust 1710, estimated at . . . . .	47,506
£3578 per annum, from 25th March 1707, to 30th Sep- tember 1710, estimated at . . . . .	11,251
£1780 per annum, from 25th March 1707, for 98 years (annuities), at the rate of 15 years and 3 months' purchase, . . . . .	27,145
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	£93,479



It would perhaps have scarcely sufficed to neutralise the clear arithmetical evidence of the new burden laid on Scotland, to maintain that the English debt had been incurred in the great European contest, on which the safety and dignity of Scotland, as well as of England, depended; it had already, when such a plea was adduced, been answered that Scotland was not permitted to participate in the trade which these wars opened or defended, or to hold a stake in the colonial possessions which these wars created. It might have even been a sounder, though a somewhat invidious, argument to say, that had Scotland been a solitary state, unallied by common kingship to a great nation, she would have required to support a costly system of defence, even to protect herself from England; and must so have incurred her own share of debts. A pecuniary equivalent seemed to be the only alternative; and England was so large-handed in all her pecuniary operations, whether of debt or revenue, that it would scarcely disturb her financial system to pay the moderate sum which the poor and hardy Scot deemed justly his own.

The discussions on the adjustment of taxation—dragged out by the tedious difficulty of the salt duties—lasted from 29th April to 7th June. The board had now been transacting its momentous business for nearly two months, and every one who earnestly thought of the probable future of either country, must have felt intense curiosity to know what their deliberations were developing. They were bound, however, to preserve a dead silence. There was only one person in the island who could constitutionally inquire into their uncompleted proceedings, and that one person, led by affectionate interest or earnest curiosity, did so. The minute of 31st May states, that the queen attended the meeting, and that, after an exhortation to those present to proceed with their work, and complete it as rapidly as it could be done effectively, she heard “the proposals made on either side, and the resolutions hitherto taken thereupon, read by the respective secretaries”—a task which must have occupied some time.

As they found themselves getting rid of the financial

entanglements, the commissioners went to the adjustment of the constitutional details. It was easily arranged that the Admiralty, in so far as it meant the administration of the naval armament, of the united kingdom should be under imperial administration. In both countries there had arisen an Admiralty jurisdiction for the disposal of questions of maritime law. It seems to have been established in Scotland after the example of England, where it was one of the separate systems for the administration of justice found necessary on account of the incompatibility of common law to deal with the many questions between Englishmen and foreigners arising out of transactions at sea. Scotland, in terms of the treaty, retained for such questions until recent times a separate Court of Admiralty.

This was a matter of secondary importance. On the 7th of June, one of deeper moment seems to have been abruptly proposed by the English party, after a long and complex adjustment of some questions about salted fish and flesh. They bluntly suggested that, in the united House of Commons, Scotland should be represented by thirty-eight members.<sup>1</sup> To the Scots commissioners, who remembered that, in the treaty of 1667, their predecessors had demanded that all the Scots members should march into the joint House, this proposal appears to have been startling. They did not, however, take up their ground on any specific number or proportion. They found themselves "under an absolute necessity, for bringing to a happy conclusion the union of the two kingdoms, to insist

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<sup>1</sup> This minute is interesting. If its vital importance were not obvious, it might seem a casual matter brought in on the finish of the tedious details about the salt duties, and stands thus: "The Lords Commissioners for England, being extremely desirous to come to a speedy conclusion of the present treaty for an union of the two kingdoms, and it having been agreed that the United Kingdom be represented by one and the same Parliament, their lordships have turned their thoughts to consider what may be a proper and reasonable number for the representatives of Scotland in the united Parliament, —Do propose to the Lords Commissioners for Scotland, that thirty-eight persons be the number by which that part of the United Kingdom now called Scotland shall be represented in the House of Commons, whenever a Parliament shall be called in Great Britain."

that a greater number than that of thirty-eight be agreed to." There were considerable intervals in the sittings at this juncture ; probably there were animated discussions of which the minutes bear no trace, except that a special "conference" was held on the subject, after the old practice of the two Houses in England. On the 15th of June the English commissioners brought the question to a conclusion, by agreeing that the number should be forty-five. Even in the phraseology of the minute, it is visible that this number was named with peremptory conclusiveness.<sup>1</sup>

There were, of course, strong reasons why the Scots should press for the largest obtainable share in the common Parliament. It was believed to be the measure of the guarantee for justice to Scotland in future legislation : it was the most distinct criterion of national importance as an independent contracting power ; it gave ambitious men in Scotland the greater chance of entering the united legislature. And yet it may be safely said that the number of representatives would have been no protection to Scotland, had the Union been so incomplete and ineffective as to leave separate interests in which she required protection. Her great security was in that community of interests which divided the Scots into the same political divisions with the English representatives, and made members vote as Whig and Tory, not as Scot and Englishman. We shall see that on a few perilous occasions nationality proved stronger than party. From these occurrences, the union was in imminent

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<sup>1</sup> "The Lords Commissioners for England, being assured by the Lords Commissioners for Scotland, that there will be found insuperable difficulties in reducing the representation of Scotland, in the House of the United Kingdom, to thirty-eight members, the number formerly proposed by the Lords Commissioners for England, —Do, to show their inclinations to remove everything that would of necessity be an obstruction to perfecting the union of the two kingdoms, propose to the Lords Commissioners for Scotland, that forty-five members, and no more, be the number of the representatives for that part of the United Kingdom now called Scotland, in the House of Commons of the United Kingdom, after the intended union."

danger ; and had the nations been systematically divided, the doubling the number of the Scots representatives would not have saved their country. British statesmen have ever looked nervously on questions which have tended to draw off Scotland against England ; and it has indeed frequently been deemed an unhealthy sign of political parties when each does not draw its due proportion from each division of the empire.

The utmost number of representatives for which the Scots ventured to plead was fifty. If they took taxation as the measure of representation, they had already condemned their cause by limiting the land-tax to a fortieth part of that paid from England,—a proportion that would have sent thirteen representatives from Scotland to meet the five hundred and thirteen of England.<sup>1</sup> On the other hand, the criterion of population was unavailable, since authoritative assertions about the number of the inhabitants of Scotland ranged from eight hundred thousand to two millions.<sup>2</sup> The proportion thus established was applied to the adjustment of Scotland's share in the House of Lords.

As the Commons of Scotland formed a twelfth of the whole House, sixteen peers, if joined with the one hundred and eighty-five Lords of England, would make about a twelfth of the aggregate number, two hundred and one. These sixteen were to be elected as their representatives by the Peerage at large. Along with their legislative power, they personally lost the privilege of Parliament. For this, however, they had more than compensation in becoming endowed with the English privilege of Peerage. The Scots parliamentary privilege gave freedom from arrest only during service : at the end of the short sessions of

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<sup>1</sup> By the increase of the number for Scotland and the reduction of the number for England by the two Reform Acts, they now stand—England 489, Scotland 60.

<sup>2</sup> The population of England is generally admitted to have been about six millions. So little was known about that of Scotland, that Defoe rated it at two millions, and Seton of Pitmedden at eight hundred thousand ; the latter was certainly by far the nearer to the truth.

the Scots Parliament, the Peers were all liable to civil process. Such privilege as they had thus enjoyed was limited to Scotland; but the English privilege of Peerage to be now extended to them would secure them from arrest on civil process at all times and in all parts of the United Kingdom. It has been rumoured that the continuity of the exemption was no light boon to the Scots peerage, and did much to remove antipathies and prepossessions.<sup>1</sup>

Descending to humbler but still materially important matters, Scotland was included within a uniform coinage with England, compensation being made for any losses caused by change of denomination. It is easy to get a nation to adopt a new coinage, provided it be genuine. The change was, however, linked to other uniformities in weights and measures, such as generations of earnest exertion sometimes do not accomplish. The uniformity was not made effective, in this instance, for more than a century,—if, indeed, it can be said to have been yet entirely accomplished.

It was noticed with discontent, that in all these instances the standard of England was ever adopted as the rule; that Scotland always gave way, and there was no reciprocity in yielding points. But sensible men considered, that if Scotland were not injured by the change, and could not plead a substantial deterioration in her organisation by adopting that of England, such conformity was the fairer settlement of the difficulty. It was unnecessary to change the habits of both nations, if a change in one would suffice; and that the smaller should yield to the larger, was not only the more economic project in superficial amount of change, but gave the best guarantee for steadiness of general action,—the acquired habits of the majority having a better chance of rightly guiding the

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<sup>1</sup> There was an anecdote brought into the present generation by a veteran statesman, who was a magazine of accurate traditional knowledge, to the effect that, before the Union, at the end of each session, the Canongate Jail of Edinburgh became crowded with Scots peers.

minority, than those of the minority would have, if they were to regulate the whole island. In matters of simple ceremonial, where both the Scots and English practice could be easily altered, and a new combination made, the national honour was respected. Thus the flag of the united kingdom was to conjoin the crosses of St George and St Andrew ; and the coat armorial was to be quartered according to heraldic rules, so that in its employment for Scots national purposes, the arms of Scotland might have the dexter or pre-eminent side—a privilege not lightly esteemed.<sup>1</sup> A new great seal for the united kingdom was appointed, for the authentication of national Acts of the incorporated empire.

On the 15th of July, the question of the African Company—now relieved of the main risks attending its discussion, by the good temper shown on both sides of the board—was brought forward by the Earl of Mar, one of the most industrious of the Scots commissioners. The demand was, that the Company should retain their privileges, or that their stock should be equitably purchased from the holders. This was one of the points on which the English were clear and firm. The Company must be abolished. They could not have faced Parliament and the great trading corporations, had they been accessory to the creation of a new British company, with boundless privileges, which, by a conjunction of favourable accidents, might suck within its vortex the whole trading

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<sup>1</sup> Much amusement was created in recent times by an attempt to rouse national indignation by a discovery that this stipulation had been violated, and that over the doors of public offices, and in their seals of office in Scotland, the lion within its double tressure flowered and counter-flowered, had the sinister or left side. This national grievance was extinguished in laughter when it was explained that the dexter and sinister sides were those of the shield itself, not of the person looking at it, so that what was opposite to his left hand was the right or dexter side of the shield. At the same time some punctilious adepts in heraldry remarked that it was not sound blazoning to change sides with change of place. Heraldry was an exact science, intended to mark the rank of every one in the imperial system of Europe, and should be the same everywhere.

enterprise of the kingdom. But they willingly agreed to the alternative of purchasing the shares.<sup>1</sup>

While this was under consideration, the report on the Equivalent was brought up. It recommended a sum approaching close to £400,000<sup>2</sup> to be paid in cash, and a separate account to be held of future probable taxation for the debts of England, not capable of being specially estimated. Part of this equivalent was to be applied in payment of the stockholders of the Darien Company, with interest; in payment of the public debts of Scotland; and in compensation for losses by the coinage. The surplus of this grant, along with any further sum arising as an equivalent for Scots payment of English debt, was stipulated to be employed in the promotion of the fisheries, and such other "manufactories and improvements" in Scotland as might be conducive to the prosperity of the united kingdom.

Not the least important portions of the treaty, as it was ultimately drawn out, make little appearance in the minutes, from their relating to matters left untouched. Scotland was to preserve her local institutions, her courts of justice, and her law; the Church was, as we have seen, specially excluded from the matters coming under the notice of the board.

When not only the laws, but the method of their administration, remained untouched, an element of disorganisation was left, which subsequently caused serious difficulties and much disquiet. It had long been established in England that virtually all judicial offices were in the

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<sup>1</sup> "The Lords Commissioners for England, in answer, say they are of opinion that the continuance of that Company is inconsistent with the good of trade in the united kingdom, and consequently against the interest of Great Britain,—and therefore they insist that it ought to be determined. But the Lords Commissioners for England being sensible that the misfortunes of that Company have been the occasion of misunderstandings and unkindnesses between the two kingdoms, and thinking it above all things desirable that upon the union of the kingdoms the subjects of both may be entirely united in affection, do therefore wish that regard may be had to the expenses and losses of the particular members of the said Company," &c.

<sup>2</sup> £398,085, 10s.—See above.

hands of the Crown, which, through responsible ministers, appointed responsible judges. In Scotland, where feudality had kept more of its early ground, there were a set of local jurisdictions still hereditary, descending by inheritance with certain territorial estates. The English commissioners must have felt how greatly the public of Scotland would profit by a communication to them of the English system of responsibility—how dangerous a neighbour Scotland must be while her gentry possessed judicial authority for the enforcement of military leadership. But they knew well that here were embarked the keenest interests and prejudices of the class with whom they had to deal. It was not until the statesmen both of England and Scotland were frightened and incensed by the mischievous use of these institutions, that they were swept away in a moment of victorious power and indignation. It even facilitated this change, that they were preserved by the union as “rights of property,” and thus, instead of being nationally reserved to Scotland, were privately reserved to individual inhabitants, who, according to parliamentary rule, were afterwards obliged to part with them at the price assigned by the legislature. While the hereditary jurisdictions were thus indefinitely preserved, the Privy Council of Scotland was allowed a temporary existence, until the united Parliament might think fit to supersede it.

It was impossible to bind down the new legislature to the perpetuity of all Scots law good and bad ; but it was deemed well to record for Scotland a protest against wanton innovations, for the sake of mere conformity with England. Care was taken to exclude the jurisdiction and authority of English courts of law within the bounds of Scotland. A distinction was then taken between the public policy of the united kingdom and the law of private rights ; and it was arranged that in future proceedings, “the law which concerns the public right, policy, and civil government, may be made the same throughout the whole united kingdom ; but that no alteration be made in laws which concern private right, except for evident utility of the subjects within Scotland.” What might be



of evident utility was open to question, and few changes could be made on which opinions would not differ. There was no prejudging such matters, or leaving them otherwise than to the supreme determination of Parliament. But it was laid down as a principle, which, like other guiding principles, has been pretty well adhered to, that mere uniformity with English practice, unless it be a beneficial uniformity, is not a sound reason for an alteration of the Scots practices.

The board finished their labours on the 23d of July, after having worked for a week beyond two months. So much business has rarely been concluded by deliberative bodies in so short a time. At the commencement of the sittings, we find several of the Scots members absent, but a full attendance of the English, as if they felt the importance of carrying the first great point, the incorporating principle. In the subsequent meetings they dropped off, as if the settlement of details were a matter chiefly of moment to the Scots, who attended in numbers of more than twenty, sometimes only meeting with half their number on the English side. On the 23d of July the articles were presented to her majesty, with appropriate addresses from either side; and in the royal answer there was a desire expressed, that the ministers for Scotland would lose no time in bringing the matter before that Parliament. Of the thirty-one commissioners on either side, twenty-seven of the English signed the articles, and twenty-six of the Scots. The only name conspicuously wanting, from its owner having intentionally absented himself from the concluding act, was that of Lockhart.

## CHAPTER LXXXVII.

## THE UNION.

THE TREATY—THE UNION FIRST DEALT WITH BY THE SCOTS PARLIAMENT—FEELING OF THE COUNTRY—THE MODERATE PRESBYTERIANS—THE CAMERONIANS—THE JACOBITES—BUSINESS BEGUN—EXPECTATIONS OF THE JACOBITES—THEIR ATTEMPTS TO ROUSE THE POPULACE—A PUBLIC FAST—POSITION OF THE CHURCH—BEGINNING OF THE CONTEST—BELHAVEN—THE FIRST DECISION—THE CLAUSES PASSED—OPINION OUT OF DOORS—RIOT IN GLASGOW—THE JACOBITES AND THE CAMERONIANS—ASSEMBLAGE OF THE COUNTY GENTLEMEN—ACT OF SECURITY—LAST ATTEMPT TO DEFEAT THE UNION—CONDUCT OF THE DUKE OF HAMILTON—THE TREATY PASSES THE ESTATES—INQUIRY INTO THE STATEMENTS THAT THE SCOTS SUPPORTERS OF THE UNION WERE BRIBED—CONCLUDING ARRANGEMENTS OF THE SCOTS ESTATES—THE TREATY IN THE ENGLISH PARLIAMENT—HOW CARRIED—CONCLUSION.

THE treaty was now in the position of a Bill or project of law prepared for the consideration of those who had the power to convert it into actual law. But it differed from other such projects in the formidable quality, that on what of it was to be adopted and what altered or rejected, there must be a majority in each of two separate legislatures. The natural way to accomplish this was to bring it before one of the two, and when passed hand it to the other. In this arrangement the courtesy of precedence was given to Scotland. This was probably a well-considered arrangement, and if practicable, as it was found to be, an eminently wise one. Scotland was the more sensitive community of the two. It was there that opposition of a popular kind might be expected. To the populace of England it was of little moment that they were to receive a small addition to their numbers. The old power-

ful opposition there had proceeded from the great trading companies, and with these the Government could come to an understanding. A proud fierce people with treasured traditions and strong prejudices, looking to the extinction of their nationality, gave more apprehension of turbulence and violence.

The Scots Estates accordingly met to hold their last session on the 3d of October 1706. There were two important official changes: Queensberry was restored to his old supremacy as commissioner; and he brought to assist him as secretary the Earl of Mar, destined afterwards to achieve an unworthy celebrity.

It simplifies what has to be told of events outside the Parliament House to keep in view that the alarming manifestations of popular excitement and tumult were the direct work of the Jacobites. The proposed balancing of the international accounts and establishment of a permanent partnership, made a prospect not favourable to their turbulent cause. What amount of spontaneous manifestation of discontent might have appeared among the people it were hard to decide; but no one who looks behind the public news into the correspondence and state papers of the day, can fail to see that the machinations of the supporters of the house of Stewart gave the popular opposition the dimensions it obtained. No doubt their temptation was strong. The great chances of a restoration to at least the separate throne of Scotland would be extinguished by the incorporation. It would be difficult to name an occasion in history—impossible to find any in the British annals—in which rank, talent, and the traditional authority that ought to have brought a feeling of responsibility with it, so systematically and determinedly fell to work in rousing the fierce passions of the mob.

All was quietness throughout Scotland, until the press let loose an unprecedented torrent of exciting pamphlets. The people of the Scots Lowlands—the only portion of the country which had any moral influence in politics—though ever ready for war, were fond of peace. They had obtained fleeting and tantalising visions of the practical

blessings of commercial prosperity, and longed substantially to enjoy them. In a just union of the two kingdoms, they expected the realisation of their hopes. It does not appear that even the disappointing intimation that the treaty was to be incorporating, had created much excitement among them, until they were loudly and eagerly told, by those whom they were accustomed to respect, that they were betrayed.

It is a marvel how the Edinburgh press of that day could have printed the multitude of denunciatory pamphlets issued against the Union ; and it is necessary to suppose that many of them were printed in England, and sent for distribution to Scotland. It would be a libel on the zeal of the Scots people of the period to suppose that this literary hurricane was received with indifference. It had only too much influence. Those who, at some great political crisis, have noticed the vehemence of the press, and the anxiety with which its revelations are sought, can only faintly imagine the pamphlet frenzy of Scotland. The crisis was infinitely greater than those which nations are accustomed to approach with legislative deliberation. Changes so important are generally made by sudden revolutions, and uncontrollable exercises of power. But here, for good or for ill, a revolution, as great as any that had caught a people by surprise, was to be systematically carried through by the representatives of the nation ; was under deliberation, and might be helped or prevented by popular feeling.

The pamphleteers appealed to every prejudice and sentiment that could avail them. The religious incitements had, of course, a prominence conformable to their importance. The Cameronians, as we shall see, entered their protest against union and intercommuning with the uncovenanted, and they found themselves exhorted thereto by Episcopalians and Papists. The lovers of ancestral renown and national glory, never scanty among a high-spirited people, were told that the ancient independent monarchy, a thousand years older than any other existing government, was to die in the hands of the degenerate offspring of its old protectors. The people, who had

lived under more than a hundred monarchs in one unbroken line, were henceforth to look on their dynasty of sovereigns as a past tradition, and be a province of an upstart nation which had come into existence yesterday. Scotsmen were pathetically desired to go and see the national honours,—the crown, sword, and sceptre,—as things that were to be no longer visible, for they would be removed as a token of the humiliation of Scotland.<sup>1</sup>

To humbler intellectual appetites there were more homely excitements. Those who looked forward to the increase of Scots commerce by a free trade with England were especially appealed to. They were told that the offered participation was a mere delusion, that the whole was already entirely occupied by the English, and they were invited to a feast at which every chair was filled. All the large foreign trades were dispersed among privileged companies, who would allow no stranger to participate in their transactions. And it was for this that they were to give up their substantial commerce with France, and their independent competition in the markets of the world! Traders, even in times when they are better fortified against delusion by a knowledge of the principles of commercial economy, are always apt to give ear to such predictions, especially when they come from educated authority, and are fortified with masses of lying figures. To one department of the trading world the agitators talked with effect, for they described a sacrifice not to be denied. The citizen tradesmen of Edinburgh would lose their parliamentary customers. They had traditions from their forefathers of a century ago, about the desolation of the High Street on the removal of the Court; and here was a second blow falling directly on themselves. It is not a grateful or a hopeful task to per-

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<sup>1</sup> And when one sees, through Scott's vivid narrative, the excitement of the group who in 1829 opened the chest containing these memorials of the Scots sovereignty, and their fright lest the coffer might be found empty, and the "national honours" gone, it is easy to imagine how much sensitiveness there must have been on the subject upwards of a hundred years earlier.

suade men that they should sacrifice their own interests to the preponderating advantage of the community at large. The Edinburgh shopkeepers of that day were human, and susceptible to the influence of appeals about the decay of their trade. Thus a spark was skilfully thrown into combustible matter close to the centre of operations, and its effects, as we shall see, were troublesome, if not formidable.

Like alarms were sounded in the ear of still humbler classes. The workman was told that he would have to pay English prices for his food, but would not earn English wages, for well-paid occupations were all already bespoken by the greedy southern. The beer made from the scanty crop of barley reared by patient labour on the bleak hillside, was to be taxed on a scale proportioned to the capacities of the English squire who fattened on his rich paternal acres, and the Scots hind and artisan must for ever bid farewell to the cheering home beverage. While the jug of ale was to be snatched from his hand, a heavy salt-duty was to spoil his humble dinner ; and lest he should doubt the accuracy of the picture drawn by the anonymous pamphleteers, it was artistically finished by Lord Belhaven in his place in Parliament, who described the artisan "drinking water instead of ale," and "eating his saltless pottage," while he saw the laborious ploughman, his corn spoiling upon his lands, "cursing the day of his birth—dreading the expense of his burial."

Such a loud appeal from the higher and instructed to the humbler and unlearned classes, on a matter of civil policy, was a novelty in Scotland, and it could not be but that a people partial to the authority of birth and education, and accustomed to follow when these qualities took the lead, should respond to the call,—it is only remarkable that it did not cause a disastrous insurrection. The opponents of the union, of course, had not all the pamphleteering field to themselves. Reason and fact spoke against them on the other side, and with some effect, though one would expect the still small voice of rationality to be lost in the storm. The popular preponderance was undoubtedly with the Opposition ; and when the real

labours of the session commenced, their handiwork had a very powerful and menacing appearance.

But there was an external force acting in another direction, which urged the ministry on with their work. If it were to be asked what one man did most for the accomplishment of the Union, it would not be unreasonable to say it was the Duke of Marlborough. In May he had gained the great victory of Ramillies. The allied armies, concentrating their operations, threatened the "sacred soil of France." An expedition had been fitted in England to invade the French coast. In Spain the war was equally disastrous to the Continental friends of the Stewart family. The French aspirant to the Spanish crown had been driven from Madrid, and Charles III. was expected in his capital. France had her hands full of unsuccessful work. It was the worst of all moments for the exiled house to obtain foreign aid. But that moment of utter helplessness was precisely the one in which their cause most needed it, to have a chance of success. The Scots Jacobites were compelled, at this unpropitious juncture, to commit themselves, and make earnest appeals for French assistance, making offers to second an invasion of Scotland. The ministry were aware of these appeals. They knew how hopeless they were at that moment, but how dangerous they might be, if a change in the prospects of the Continental war should enable France to throw troops into Scotland during the acrid and nervous discussion coming on, and before the amalgamation of the countries placed the defence of the whole island in the hands of a British ministry. Assuredly it was the moment for the partisans of the Stewarts to strike a blow, if they could. The Jacobites had made the opportunity, could it but be seized. But the deeply-desired aid was besought in vain. The ministry were, by the same reasons, urged to exert themselves. They knew the plots that had been prepared, and, in the hot debate that followed, could look in the faces of the plotters, and let them see, by a significant hint, that the sword hung by a hair over their necks. There is no doubt that an acquaintance with these ineffective plots was a material aid to the Government in fighting out their battle.

So matters stood, when, on the 12th of October, the Estates began to consider the Articles of Union. According to their method of transacting business, a discussion, which would now be called desultory, was held on the whole treaty. The minutes of the session bear that, on each day, certain articles were read, with the corresponding proceedings of the commissioners, "and were all reasoned and discoursed upon," without any vote or trial of strength.

While the Estates proceeded with this preliminary discussion, the excitement without was growing wilder. On the 23d of October there were unpleasant symptoms of mob insurrection in the streets of Edinburgh. It had been the practice for some previous nights for an assemblage to attend the Duke of Hamilton from the Parliament House down the centre of the city to the palace of Holyrood, where he lived. One who considered this a powerful manifestation of public opinion, says, the procession generally consisted of "apprentices and younger sort of people,"<sup>1</sup> who, as they cheered the duke on in his patriotic course, bestowed their maledictions on Queensberry, the commissioner. On the 23d they gathered in greater numbers in the Parliament Close, rendering the assembling of the members unpleasant, if not dangerous. The House sat unusually late that night, and the crowd, waiting to pay their usual ovation to the Duke of Hamilton, were disappointed by his entering the neighbouring lodging of the Duke of Athole, instead of letting his chair be carried with the usual procession to Holyrood.

Balked of the occasion for honouring a popular man, the mob bethought them of attacking some unpopular person; and they found conveniently in their neighbourhood the residence of Sir Patrick Johnston, who was particularly amenable to the people of Edinburgh, having been their

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<sup>1</sup> Lockhart Papers, i. 163. "The Commissioner, as he passed through the street, was cursed and routed to his face, and the Duke of Hamilton huzza'd and conveyed every night with a great number of apprentices and younger sort of people from the Parliament House to the Abbey, exhorting him to stand by the country, and assuring him of his being supported."



lord provost. Sir Patrick lived in an elevated floor in one of the mountainous houses of the Old Town; and making their attack on that generally most assailable part of a citizen's house, the windows, the mob found them too high up to be reached by their most skilful stone-throwers. They resolved to attack the door, but as only a few of them could mount the common stair to assail it, the attack would not have been very formidable had there been any defenders. The ex-provost's wife was, however, at home, with no other protectors than her domestics. While those who had mounted the stair were staving in the door, she went to one of those windows which had proved themselves to be above the missiles of the mob, and screamed for assistance. A neighbour went for the town-guard, who came up to the number of thirty, and dispersed the rabble, making prisoners of six of the most officious of those who were engaged in the yet unsuccessful attack on the door. The disturbance, however, having once begun, increased, and the streets were for a while in the hands of the mob, who made the passage homewards to the unionist members of Parliament whom they recognised unpleasant. The crowd seems to have been an ephemeral one, not actuated by the deep resentments shown in the affairs of Green and Porteous, though it was spoken of as very formidable by the party writers of the period. Defoe, who was present, describing it with palpable exaggeration, mentions among other indications of its ferocity, that he himself "had one great stone thrown at him for but looking out of a window, for they suffered nobody to look out, especially with any lights, lest they should know faces and inform against them afterwards."<sup>1</sup>

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<sup>1</sup> History of the Union, 238. Defoe, with his usual pleasant garrulity, recurs to his dangers from this mob, which he seems to think he had not sufficiently indicated in the throwing of the great stone, thus: "The author of this had his share of the danger in this tumult, and, though unknown to him, was watched and set by the mob, in order to know where to find him, had his chamber windows insulted, and the windows below him broken in mistake. But, by the prudence of his friends, the shortness of its continuance, and God's providence, he escaped."—P. 239. Defoe exaggerates this affair to laud the

The riot seemed to grow too formidable to be dealt with by the city-guard, who were the police and military protectors of the city, and had, in ordinary circumstances, the exclusive privilege of military action within its walls. As the sailors from Leith, generally the most effective members of any Edinburgh mob which has nothing more in view than destruction, were on their way to participate in the confusion, the Commissioner thought it would be well to have assistance from the castle; and with the sanction of the Lord Provost, a battalion of the guards entered the town and dispersed the concourse, placing sentinels at the heads of the long alleys through which Edinburgh mobs are apt to percolate back to the main street. The streets were quiet soon after midnight.

The details of the affair would, indeed, not belong to history from its own intrinsic importance, and would hardly deserve even transient notice, were it not that the anti-Revolution writers founded on it as showing the unpopularity of the Union. It thus became historically important, as the actual measure of their formidable announcements of national resistance. No life was lost in it, and apparently no material personal injury inflicted. Indeed it does not appear that the passing of the Union cost a single life, yet Scotland has not been always sparing of human sacrifices when her people were in earnest. The Privy Council issued a proclamation against the recurrence of similar disorders, which, in laying special injunctions on the professors of the university to keep their students in order, and on tradesmen to see to the conduct of their apprentices, indicates that the youthful part of the population were the more zealous and formidable.<sup>1</sup> Sev-

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prudence of the ministry in suppressing it; and Lockhart is equally profuse in his anxiety to make out a case of strong popular feeling against the union.

<sup>1</sup> The really trifling character of this outbreak would be fully evinced, if we had no other information, by the laborious but vain efforts of Lockhart and his friends to inflate it into national importance. He reasons that, in this instance, "the inclinations of the elder were known by the actions of the rasher and younger," and says: "'Tis not to be expressed how great the consternation was that

eral members, and especially the Lord High Constable, whose office it was to protect the Parliament, declaimed vehemently against the resort to the troops. They remained, however, as a military guard in Edinburgh during the progress of the discussion; and thus the force which the Act of Security had created became instrumental in accomplishing what its chief promoters deemed the ruin of their country.

Among the efforts of the Opposition at this critical juncture, one had a character peculiar to Scotland, and the habits and institutions of the people;—this was the appointment of a solemn fast for an expiation of the sins of the land. On many occasions—some of them of comparatively recent date—this plan has been resorted to for spreading and deepening party views, and collecting the people in great solemn assemblages. It is difficult to bring arguments against such an act of homage to the Almighty, on the eve of a great national undertaking, even though it be known that the motives of those who propose it are purely temporal and factious, and that their sole object is to get the conduct of their political opponents denounced as a sin of which the nation ought vehemently to repent. The promoters of the proposed solemnity, however, did not carry their point on this occasion. They were chiefly arrant Jacobites, and their motives were too flagrantly apparent.<sup>1</sup> The Parliament

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seized the courtiers on this occasion. Formerly they did, or pretended, not to believe the disposition of the people against the Union, but now they were thoroughly convinced of it, and terribly afraid of their lives; this passage making it evident that the Union was crammed down Scotland's throat." He says, in continuation: "This mob was attended with bad consequences to the country party, for, falling out before the nation was equally informed of the state of affairs, and equally influenced with resentment, it was easier dissipated, and discouraged others from making any attempts for the future, and gave occasion to the courtiers here to represent to the ministry of England not to be alarmed, for it consisted of a parcel of rascally boys, no others being concerned in it, though the chiefs of the country party had encouraged and hired them out; besides, the placing of these guards overawed many both in and out of the House."—Lockhart Papers, i. 163, 164.

<sup>1</sup> Defoe says it "was opposed by those that some thought had

refused legislatively to enact a solemn fast, leaving it to the ecclesiastical tribunals to appoint any such solemnity, with such sanctions as they possessed ; nor, on a second proposition, would the Estates agree to give the House of Parliament as a temporary church, in which two favourite popular preachers might officiate on the occasion.<sup>1</sup>

The General Assembly were then sitting in their periodical Commission, and as the appointment of fasts was a usual function of that body, there was nothing conspicuous or unusual in their so acting at the present juncture. The fast thus held, without any momentous or unusual precedents, was observed with inoffensive decorum ; and, much to the mortification of its eagerest promoters, was made more a religious than a political observance. The Commission took the occasion to recommend that the preservation of the Church of Scotland should not rest on the mere negative sanction that the treaty left ecclesiastical matters untouched, but should receive some strong and special support ; and on this hint, the Act of Security, to be afterwards spoken of, was prepared.<sup>2</sup>

This body, as the representative of the Church of Scotland, passed more than one farther address to the Parliament while the great affair was before it. These documents had a moderation of tone deeply provoking to the Jacobites, who would fain have seen the Church fall into the snare of asserting its supremacy over all things, as of old, and disdaining to countenance worldly policy, or the work of men's hands. But the comfortable Established clergy of that day were different men from the theocrats of Dunbar and Bothwell Brig, and declined to court ruin by helping the Jacobites to their triumph. The sagacious

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more inclination to the work of a public fast than those that proposed it." This sort of scornful hypocrisy seems to have got no reciprocity from the honest mind of Fletcher of Saltoun, who said if he "could tell what he knew, some of its promoters would be ashamed to hold up their faces."—Hume of Crosrig's Diary, 177.

<sup>1</sup> Hume's Diary, 177.

<sup>2</sup> This address is not to be found in the "Minutes of Parliament," nor in the ordinary printed proceedings of the General Assembly. It will be found in Defoe, 608.

Carstairs, though no longer their moderator and chairman, led them by his counsel. It would have, perhaps, been unreasonable to expect that an ecclesiastical body, counting itself independent of all other authority and irresponsible in this world, should accept, without a nominal protest, an alliance with a Church which it was bound by its standards to denounce; but the protest was made gently, and after the manner of men who wish to say such a thing for consistency's sake, and then have done with it. It complained of the Test Act in England, as making an inequality incapacitating Scotsmen to hold office there; and recommended, as a security for the Church of Scotland, that "no oath, bond, or test of any kind," should be required from ministers or members of the Church of Scotland, "which are inconsistent with the known principles of this Church."<sup>1</sup> The oath by the sovereign on accession, afterwards embodied in the Act of Security, was suggested; and the address concluded with a gentle protest on the prospect of the Presbyterians and their Church being liable to legislation by the bench of bishops.<sup>2</sup>

During the desultory discussion preliminary to the voting, addresses against the fundamental principles of the treaty as an incorporating union began gradually to make their appearance, and at length flowed in with a strong current. Those who maintain that the union was a species of conquest, found on these documents as the evidence of its national rejection by the people of Scotland.

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<sup>1</sup> It might, as we shall see, have saved the country from very unpleasant disputes and divisions in subsequent legislation, if the previous instances showing this antipathy of the Presbyterians to take, in their religious capacity, oaths of a political character, had been better considered by statesmen.

<sup>2</sup> "In case this proposed treaty of union shall be concluded, this nation will be subjected, in its civil interest, to a British Parliament, wherein twenty-six prelates are to be constituted members and legislators: and lest our silence should be construed to import our consent or approbation of the civil places and powers of churchmen, we crave leave, in all humility and due respect to your grace and honourable Estates of Parliament, to represent, that it is contrary to our known principles and covenants, that any churchmen should bear civil office or have power in the commonwealth."

It is clear, however, that they emanated, like many other apparently wide manifestations of national feeling, from some central workshop, and it does not appear that they were received with a tumultuous unanimity sufficient to satisfy the organisers.<sup>1</sup>

These addresses came first from the county gentlemen, or the "barons and freeholders," of the counties of Mid-Lothian, Linlithgow, Perth, Stirling, Dumbarton, and Forfar. From these counties, addresses had come in before the 4th of November, when the towns took up the cry, certainly very moderately at the beginning. The first urban addresses came from Linlithgow, Dunkeld, and Dysart. They were followed, on the 8th of November, by the parish of Tullyallan, by Dunfermline, then a mere village, and by Borrowstounness, a place then of greater relative importance than at present. These representations from the burghs seemed to be concentrated in an address from the shadow of the old burghal parliament

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<sup>1</sup> Lockhart, in his indiscreet impetuosity, divulges the policy of the addresses. Defoe had spoken of the addresses as a part of the political machinery of the parliamentary opposition, on which Lockhart says: "That vile monster and wretch, Daniel Defoe, and other mercenary tools and trumpeters of rebellion, have often asserted that these addresses, and other instances of the nation's aversion to the union, proceeded from the false glosses and underhand dealings of those that opposed it in Parliament, whereby the meaner sort were imposed upon and deluded into those jealousies and measures. I shall not deny, but perhaps this measure of addressing had its first original as they report; but 'tis absolutely false to say that any sinister means were used to bring in subscribers; the contrary is notoriously known, for the people flocked together to sign them, and expressed their sentiments with the greatest indignation." He afterwards gives a specimen of the addresses, which, he unconsciously says, was in the form for the most part made use of everywhere, excepting that some of the western parishes added the inconsistency of the union with the National and Solemn Leagues and Covenant. It is surely not wonderful, after the hints which the Jacobite chronicler thus permits to escape him, that he should have to record how "the Parliament had no more regard to these addresses, which contained the inclinations and earnest supplications of the people, than if they had indeed served for no other use than to make kites, which was the use my Lord of Argyle was pleased to assign them publicly in Parliament."—Lockhart Papers, i. 166-170.

called the Convention of Royal Burghs, a body even then quite uninfluential, which yet, by its sounding corporate name, has often produced a considerable effect at a distance.

The Opposition in Parliament founded on the addresses the tactic, that before deciding on so important a matter as this Union, which involved the annihilation of the constitution through which they were appointed, the Parliament should be dissolved, that the constituencies might be consulted. A reference to constituents has always a fair appearance. In this instance the reference was desired in order that, in the delay it would create, the Jacobites might have time to make their arrangements with France ; while many chances in their favour might arise during the course of an exciting election. A legislative body is never prompt to admit its own unfitness to deal with the affairs before it, on account of their importance. But the Parliament of Scotland could find abundant reasons for declining to resign its functions, and for deeming itself imperiously bound to carry out the great work which it so propitiously found itself in a position to accomplish. It was expressly contemplated as an immediate practical measure, in the year 1703, when this Parliament was elected, and indeed it might be said that the Parliament which adjusted the union was chosen for that very purpose. Men who felt that they had in their hands the means of carrying through so great and beneficent a project, would have been justified on grounds far less conclusive in their resolution not to resign their powers and lose their opportunity.

The Parliament spent a month in preliminary discussions, which cleared the way for effective warfare, and enabled parties in the House to estimate each other's strength. Though they must have felt that they had a majority in Parliament, the Government were far from sanguine ; and the private correspondence of the period shows that those who appeared in public to treat the measure as one that must pass, had many misgivings, and acknowledged to each other with regret that, after all, the great project of pacification would probably have to be abandoned.

The first pitched battle of the campaign was fought on the 4th of November. It was agreed that a vote should then be taken on the first article of the union, with the understanding that it could only be carried as a part, and "that, if the other articles of the union be not adjusted by the Parliament, then the agreeing to and approving of the first shall be of no effect." The occasion was memorable from the oratorical display it called forth. The Duke of Hamilton, shaking off his usual lethargy, or abandoning his designed inactivity, gave forth a spirit-stirring address on Scots nationality. Seton of Pitmedden, one of the commissioners, spoke for the public an essay in favour of the measure, with that calm appeal to sense and facts which is becoming in a responsible statesman asking support for a new and vitally important measure.

But the occasion roused up a spirit of another order, uncontaminated by the stain of faction or treachery, and great in its own enthusiastic integrity. The young Lord Belhaven, whose impetuous, haughty, and fierce character, is visible in the dark brow, stern lip, and flashing eyes of his portrait, and is confirmed by his public conduct and the opinions of his contemporaries, had shown a degree of ferocious animosity to the new measure which some thought would lead to insanity—others, to a criminal outbreak.<sup>1</sup> He had resolved to concentrate his wrath in a great effort; and, too deeply absorbed in brooding over his own conceptions to take the slightest notice of the calm speech of Seton, he poured his feelings forth in a passionate torrent of theatrical invective, wrought up to the highest tone of classic denunciatory rhetoric. This speech is an event in the history of Scotland. It was circulated in all known shapes among the people, passed through unnumbered editions, and was so plentifully dispersed, that a book-collector seldom buys a volume of Scots political pamphlets of the early part of the eighteenth century which does not contain "The Speech of the Lord Belhaven on the subject-matter of an Union betwixt the two Kingdoms of Scotland and England."

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<sup>1</sup> See the Jerviswood Correspondence, 159.



A great portion of the influence of this speech must be attributed to the author's rank, and to his honest enthusiasm; for his memory is not tainted with designs for encouraging a foreign invasion, or professions of nationality for the purpose of aiding the house of Stewart. His intrinsic ability must have effectually aided these incidental qualifications, for it would be impossible to stumble on this production, in any shape, without acknowledging in it the work of an artist. In despite of Scotticisms, Gallicisms, overstretched classicality, and monstrous affectation, it would stand beside any efforts of later English oratory; and probably, were it examined at an age so distant as not to give the later speaker the benefit of a distinctly perceptible adaptation to acknowledged conventionalisms, it would be found to have few competitors among them in the essentials of heroic oratory—rapid and potent diction, impassioned appeal, bold and apt illustration. A marked peculiarity of this effort is, that while it was evidently intended for the populace rather than Parliament, it is full of subtle classical allusions. The enthusiastic patriot had studied to good purpose the two masters of ancient oratory, and, perhaps unconsciously, had armed himself from both. From the stern, emphatic Greek, he took his rapid pictures of the several grades of his countrymen under the new dispensation. His cultivated audience could not but admit their terseness and simplicity, and their aptness to the matter on hand, if they were well founded. At the same time, his substantial predictions were as comprehensible as they were alarming to the anxious public without, to whom his classical allusions would seem not the less gorgeous and majestic as decorations, that they were mysterious, and required an interpreter. And even in his own particular audience, we can imagine, if he had a good rhetorical manner, a thrill passing through the House when he says: "What hinders us, my lord, to lay aside our divisions, to unite cordially and heartily together in our present circumstances, when our all is at stake? Hannibal, my lord, is at our gates. Hannibal is come the length of this table—he is at the foot of this throne; he will demolish this throne if we take

not notice—he'll seize upon these regalia—he'll take them as our *spolia opima*, and whip us out of this house never to return again. For the love of God, then—for the safety and welfare of our ancient kingdom, whose sad circumstances I hope we shall yet convert into prosperity and happiness!—we want no means if we unite. God blesseth the peace-makers—we want neither men nor sufficiency of all manner of things to make a nation happy." This strain was broken occasionally by bold theatrical interruptions. He puts the question of national union of parties against the common enemy, upon his bended knees—pauses for a reply, as if it were a thing to be expected—and solemnly records, "No answer." But the most effective point must have been that where, after a rapid sketch of the contents of the treaty, he exclaimed, "Good God! what is this?—an entire surrender! My lord, I find my heart so full of grief and indignation, that I must beg pardon not to finish the last part of my discourse, that I may drop a tear as the prelude to so sad a story."

We are told, however, that during the pause, the members, instead of being silence-stricken and expectant, carried on a desultory discussion on the matters before them, until the orator resumed. A Scots audience is by no means the best adapted for such attempts. The speech does not appear to have had the slightest influence on the division. It is the boast of British senatorial operation that the highest eloquence scarcely ever commands a single vote, since the resolutions of legislators are founded on deeper and more permanent influences. And this cautious, unimpulsive spirit, has been at least as conspicuous in Scotland as in England. Like many another parliamentary achievement, the great speech of Lord Belhaven was addressed to the country. The body who immediately received it were indeed rather inclined to ridicule than to feel it; and there was much laughter and cheering when Lord Marchmont stood up, and, in apt allusion to the peculiar form in which Belhaven clothed his predictions, said they had heard a long speech, and a very terrible one; but he thought a short answer would suffice, and it might be given in these words: "Behold,

he dreamed ; but, lo, when he awoke, behold, it was a dream ! ”

When the vote was taken, there were one hundred and sixteen in favour of the article ; eighty-three against it. The Squadrone, or new party, had declared their intention, and thrown their weight into the side of the Union. Unless it could be interrupted by external circumstances, of which undoubtedly there was much risk, the measure might now—though those immediately interested in its progress had nervous apprehensions—be considered safe, so far as the Scots Parliament was concerned. The great preponderance of the majority was in the peerage, and the same peculiarity marked the subsequent divisions. The barons or county representatives were thirty-seven to thirty-three ; the representatives of the burghs, thirty-three to twenty-nine ; so that there was at least a majority in each Estate—a matter of moment on so vital a question as this, since we have seen that it had sometimes been questioned whether a measure could be constitutionally adopted in the Scots Parliament against a majority of any one Estate.<sup>1</sup>

After this great contest both parties took breath, and ten days elapsed in the transaction of miscellaneous business, ere a division was taken on the second article. Here the Opposition fought more for delay than a parliamentary defeat of the measure. But the prospects inducing the delay prompted the Government to speed. Like men who, conveying precious stores, may possibly be overtaken by enemies or robbers, they hastened onward and used their powerful working majority to suppress all unnecessary postponements.

Before the end of November, the House had conquered the main difficulty in settling the great fundamental prin-

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<sup>1</sup> Defoe, with the solemn garrulity to which he is sometimes addicted, has a series of imposing and appropriate reflections on the day of this propitious division—4th November—being the anniversary of two other propitious events—the birth of William III., and his arrival in England. Had the debate been protracted till next day, he might have had to connect it with the still more marked anniversary of the Gunpowder Plot.

ciples, of the Incorporating Union, and the Succession to the Crown. When they entered on matters of fiscal and commercial detail, the proceedings sometimes took a shape gratifying to the lovers of national independence. The great points once carried, the Government could in some measure conciliate, by tolerating proposed amendments and occasionally permitting them to be carried, so that the Parliament of Scotland could not be charged with slavishly recording the terms dictated by the English commissioners. Thus the fifth article was so amended as to secure the privilege of the navigation laws more fully to those vessels which the Scots shipowners, in the deficiency of building-yards at home, had purchased abroad. A considerable addition, deemed of great importance at the time by the agricultural party, was made to the sixth article. Its object was to extend the bounties and protection on cereal produce to that which in Scotland was the most important, but which, in England, had been passed as unworthy of notice—oats and oatmeal.<sup>1</sup>

Some of the English commercial prohibitions appeared to be formidable stumbling-blocks; and indeed, when one looks at the accumulation of portentous interference which the English law had established by a series of statutes, each outbidding its predecessor in a stringency and cruelty excited by the impossibility of accomplishing what was desired, it seems wonderful that the treaty was brought safely through so perilous a mass. The exportation of wool from England was a crime, at one time punishable with death. It was said that when the two nations

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<sup>1</sup> In connection with the supposition that the Treaty of Union was an unalterable and unassailable bargain, ever to be held sacred, whatever benefits might accrue from an alteration, it is curious to notice the concluding part of this amendment so strongly urged on the part of the Scots: "In respect the importation of victual into Scotland from any place beyond sea would prove a discouragement to tillage,—therefore, that the prohibition, as now in force by the law of Scotland, against importation of victual from Ireland, or any other place beyond sea into Scotland, do, after the union, remain in the same force as now it is, until more proper and effectual ways be provided by the Parliament of Great Britain for discouraging the importation of the said victual from beyond sea."

were made one, English wool, by its excellence, would drive that of Scotland, which embraced a large gentry and peasant interest, out of use. It was urged that the Scots wool should therefore be rendered exportable to be profitable; but there were strong reasons of expediency against such an arrangement, and, among others, it would necessitate a complex fiscal and coast-guard system to prevent English wool from being removed to Scotland, and thence exported as Scots produce. Of this, as of other difficulties, the great solvent was money; and an arrangement was proposed, and afterwards, with the other new clauses, assented to, appointing a fund to be devoted to the encouragement of manufactures from Scots wool.

On the seventh article, relating to excise duties, one of those practical debates occurred which are so perplexing, as, from some perverse fatality, the disputants never manage to get hold of what logicians call the contradictory formula, or meet each other on the same facts. The main question was the duty on beer or ale, the home-made liquor of the people. In Scotland, this liquor, after paying small local dues, which procured for it the national name of "tippenny," was retailed at about the rate of a penny per English quart. It was not so potent a liquor as the English stout, or the Edinburgh ale of later days, but it was stronger than table beer. The English ale paid an excise duty of 4s. 9d. per barrel. It was proposed to make the excise duties the same in both countries. The source of the inextricable dispute, which not only occupied much parliamentary time, but filled several pamphlets, was, that while one party maintained that the weak Scots tippenny was to be taxed at the same rate as the English ale, the other held that, being an inferior commodity, it was only to be rated with English small-beer, which paid 1s. 3d. per barrel. In the one case, the Scots liquor was to be enormously enhanced in taxation—in the other, to be greatly relieved. But when the House came, in a small committee, to examine the matter, it simplified itself. They found that there were two very distinct grades of malt liquor in England, the one ranked by excise law at 18s. per barrel, and paying the

4s. 9d. duty ; the other ranked at 6s. per barrel, and paying 1s. 3d. The Scots liquor was of a kind between the two. The problem was, how it should be taxed—and an adjustment was adopted which Defoe takes credit for having discovered. Subsequent political events, connected with the excise laws, deprived this affair of permanent importance ; but it was a matter of great moment at the time, from the intense discussion it excited, and also because the seventh article of the treaty formed an addition to the instances in which the Scots Parliament had taken the liberty of altering the terms of the treaty as they had been adjusted by the commissioners.

In the course of these labours in the department of practical detail, the attention of the House was directed to formidable occurrences outside. Queensberry, the Commissioner, showed by his coolness, temper, and courage, that he had been well selected for his high and arduous function. His position had many anxieties and perils to balance its eminence. If the parties who desired national separation and war triumphed, the leader of the project, which was stigmatised as a betrayal of the country to its enemy, would probably be sacrificed. But besides these risks from defeat, he was favoured with many rumours and revelations about projects for his assassination ; and from one quarter received detailed information how twenty-four young patriots had sworn, by signatures written with blood, to put the traitor-tyrant to death.<sup>1</sup> Another outbreak took

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<sup>1</sup> See the letter at full length in the Appendix to Defoe (p. 669) : “ Some of them are to be cloathed in the Highland dress ; one in the habit of a beggar, with a false beard ; six of them are to be in the habit of baxters, that by this means they may, with the more ease, raise the rabble. One of those in Highland dress is to stand on your left hand as you come out of the Parliament House, with a naked dirk beneath his plaid, to stab your grace ; but, if he has no opportunity for action, then the beggar is to attend your coach with a pistol, beneath his rags, which he is to fire at your grace, at which the baxters are to raise the rabble with their cries, which they think will soon be done ; then lest your grace should escape with life, they are to take care to get the Nether-bow Port closed in spite of the guards.” This project, it must be observed, seems more dramatic than practical. What reason could the assassins have for accoutring themselves as

place in the streets of Edinburgh—stones were thrown in abundance—obnoxious statesmen made a narrow escape from serious injury; and again those who had been so industriously exciting to resistance appealed to the disturbance as a national protestation.

It was, however, from the west that mischief was chiefly apprehended. Two sources of danger, of contrary character, had there a sinister juxtaposition, in the ultra-Cameronian Covenanters of the south, and the Jacobite Highlanders of the north. Of the testimonies uttered by the Cameronians, we have perhaps had enough; it may suffice to say that, on this occasion, they were true to their old singleness of purpose.<sup>1</sup> In Glasgow, which might be called the point of junction, where these extremes met, urgent application was made to the magistrates to send a

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Highlanders? These were at that time marked men in the Lowland towns, not so common as Scott's novels have made them in later times, and certainly not so innocent or unsuspected of mischief.

<sup>1</sup> "What a palpable breach is this wicked union of our Solemn League and Covenant, which was made and sworn with uplifted hands to the Most High God, for purging and reforming His house, in these three nations, from error, heresy, superstition, and profaneness, and whatever is contrary to sound and pure doctrine, worship, discipline, and government in the same! And so it involves this nation in fearful perjury before God, being contrary to the very first article of the Covenant, wherein we swear to contribute our utmost endeavours, in our several places and callings, to reform England in doctrine, worship, discipline, and government; but by this union both we and they are bound up for ever from all endeavours and attempts of this nature, and have put ourselves out of a capacity to give any help or assistance that way; but, on the contrary, they come to be hardened in their impious and superstitious courses."—Protestation and Testimony of the United Societies of the Witnessing Remnant of the anti-Popish, anti-Prelatic, anti-Erastian, anti-Sectarian, true Presbyterian Church of Christ in Scotland, against the Sinful Incorporating Union.

This document defines England as "a land so deeply already involved in the breach of Covenant, and pestered with so many sectaries' errors and abominable practices." It denounces the succession, so arranged as to go to the Prince of Hanover, "who has been bred and brought up in the Lutheran religion, which is not only different from, but in many things contrary unto, that purity in doctrine, reformation, and religion, we in these nations had attained unto."

city address against the Union. The unusual combination of parties to this recommendation—Jacobite Papists uniting with austere Cameronians—was calculated to create suspicion and wonder, and the civic authorities deemed it the better policy not to move on the occasion. This occurred on the eve of the national fast already mentioned; and a zealous clergyman entering the pulpit on that day, in the spirit of the old field preachers, uttered an exciting exhortation on the dangers of the land, and the lukewarmness of the chosen people, concluding with the words, "Wherefore, up and be valiant for the city of our God."

The day of fasting and humiliation was succeeded by a popular restlessness, which at last broke out in violence. On the 7th of September the provost's house was attacked and gutted. It was the object of the rabble to compel that magistrate to sanction a city address against the Union; but he was not to be found, having, after a practice to which civic functionaries are addicted, retired to a place of safety at the moment when a magistrate's services were most needed. The address, though it lost the distinction thus desired for it, was prepared and signed by the deacons, or those who specially represented the tradesmen in the old Scots corporations. Matters again lulled down for some days, and the provost returned to the honours of his post, deeming the dangers over; but there was a restlessness in the public mind likely to break out on the first disturbing incident. Some dispute arose about the committal of an ordinary criminal to the city prison, which immediately spread into a fierce riot. The mob became masters of the streets, parading about in search of unpopular characters. The provost, taken by surprise, and unable to find a securer retreat, was obliged to hide himself in a private house, where he narrowly escaped capture.<sup>1</sup> The rioters were for some days masters of the

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<sup>1</sup> Defoe gives a ludicrously solemn account of the affair, and somewhat gratuitously infers, that if the provost had been caught he would have been murdered. "They searched every apartment to the top of the stair, and came into the very room where he was. But the



city; but the history of the affair, so far as it can be gathered from conflicting accounts, is rather that of the incompetence of the guardians of order, than of the power and ferocity of the mob, who contented themselves with much noisy parade and some malicious destruction, but drew no blood.<sup>1</sup>

The crowd had got possession of a considerable quantity of old arms; and a portion, according to the use of mobs thus fortunate, thought fit to improvise themselves into an army, and march forth on a campaign. Between forty and fifty, supposed to be all hot Covenanters save their leader, Finlay, who is set down as a veteran Jacobite, went forth on a march towards Kilsyth. This movement carried off, for a time, the most energetic and active portion of the rioters. Finding neither enemies nor adherents, they asked each other for what purpose they had come forth; and feeling the listlessness which, after the first pulse of excitement, overtakes men who have been some days wandering without a motive, they slunk back to their homes, and deposited their arms with any one who would readily receive them. They had disbanded just in time to escape active duty; for a party of horse, two hundred strong, was despatched westward to put down what had the outward form, at least, of an insurrection. A detachment of twenty-five entered and overawed the insurrec-

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same Hand that smote the men of Sodom with blindness when they would have rabbled the angels, protected him from this many-headed monster, and so blinded them that they could not find him. It is the opinion of many of the soberest and most judicious of the citizens, that if they had found him, their fury was so past all government, that they would have murdered him, and that in a manner barbarous enough; and if they had, as we say of a bull-dog, once but tasted blood, who knows where they would have ended? The provost was hid in a bed which folded up against the wall, and which they never thought of taking down. Having escaped this imminent danger, he was conveyed out of town the next day by his friends, and went for the second time to Edinburgh."—P. 272.

<sup>1</sup> Defoe is obliged to conclude an elaborate effort to describe the horrors of this outbreak with the remark—"In short, except that there was no blood shed, they acted the exact part of an enraged, ungoverned multitude."—P. 277.

tionary city, taking prisoner Finlay and one of his prominent supporters, and they were conveyed to Edinburgh. A few more ringleaders were subsequently taken, and the outbreak almost insensibly died away.

But it was not in the miscellaneous and divided rabble of Glasgow that the danger lay, but in their united and zealous neighbours on the south. The Government, seeing danger in the periodical musterings and trainings appointed by the Act of Security, carried a measure suspending its operation during the existing Parliament. But the Cameronians of the western counties, whose combined spirit of military ardour and religious enthusiasm we have already seen, had instinctively adopted this opportunity of strengthening their already effective organisation. They protested against every government but God's government, by which they meant their own. Though their views partook of republicanism and popular regulation, yet they transacted business with the secrecy, despatch, and uniformity of a despotism ; for, as we often see in such bodies, isolated in their own peculiar opinions and surrounded by opponents—all difference of opinion was suppressed as treachery. They were like an army in an enemy's country, to whom division is destruction, and whose elected or incidental leaders exercise over them a despotic sway. Thus compact and organised, they were prepared, with all the fatalism of the Turk, to go straight to battle without misgiving or inquiry about results—careless, since they were led by divine impulse, of the numbers whom they encountered, and ready to die without a murmur when it was not their predestined fate to be victorious.<sup>1</sup>

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<sup>1</sup> Their leader, Ker of Kersland, who saw their peculiarities with the distinctness of one who was among but not of them, gives this interesting notice of their condition at this time : " The Cameronians are strictly religious, and ever act upon that principle, making the war a part of their religion, and converting state policy into points of conscience. They fight as they pray, and pray as they fight, making every battle a new exercise of their faith, and believe that in such a case they are, as it were, under the banner of Christ. If they fall in battle, they die in their calling, as martyrs to the good cause, and

On the 20th of November a body of horsemen from the surrounding country dashed into the town of Dumfries, and forming themselves in the market-place, made a fire, in which they burned the articles of the treaty, and the names of the Scots commissioners, leaving a document attached to the cross, in which, in spirited and popular language, they maintained that the people were not bound by the acts of the commissioners and the Parliament, but were under solemn obligation to discard their betrayers, and stand by the old national independence. There was an order and systematic calmness in the proceeding, much more alarming than the turbulence of the street rabble in Edinburgh and Glasgow. It is believed that not above two hundred horsemen were present, but rumour magnified them into an army of several thousands. They kept their own counsel, and though they are generally set down as Cameronians, it is not certain that they belonged to that body; and the declaration affixed to the cross was not in the usual Scriptural phraseology of the Hill-men.

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believe that, in thus shedding their blood, they finish the work of their salvation. From such maxims and articles of faith, the Cameronians may be slain—never conquered. Great numbers of them have lost their lives, but few or none ever yielded. On the contrary, whenever they believe their duty or religion calls them to it, they are always unanimous and ready, with undaunted spirits and great vivacity of mind, to encounter hardships, attempt great enterprises, despise danger, and bravely rush on to death or victory. . . . They are governed by a general quarterly meeting, composed of two commissioners deputed by each town where they live; and whatever is concluded at this meeting is a general rule to the whole. They are closer in their deliberations than the other parties are; for whatever comes before them is disputed and concluded without the least danger of being exposed, and whatever is so resolved is accordingly executed with the profoundest secrecy and expedition. For the Cameronians are always ready, under their proper officers, well appointed, and, when it is found at their general meeting to be their duty, can assemble upon the least notice given them; so that, though they be the fewest in number, yet they are in effect the most considerable of the three, for the commonalty of the Presbyterians, who have a wonderful opinion of their piety and virtue, always readily join with them in anything that concerns the public, which the Cameronians encourage and allow, but do not permit them to be members of their societies, or to bear any part in the conduct of their affairs."—Memoirs of John Ker, i. 12-15.

Some of the bold schemers of the day had arranged a plan for bringing these Cameronians and the Highlanders to act in concert. A fit man to lead the fanatics was found in Cunninghame of Ecket, who had held the command of a regiment, and had heavy grievances against the Government for disbanding it, and leaving arrears of pay unsettled. He was to embody his Covenanting army at Sanquhar, on the Nith, and at the same moment the Duke of Athole was to assemble the Jacobite Highlanders above the passes. The two armies were to march north and south until they met, and then, with brotherly harmony, were to wheel round eastward to Edinburgh and disperse the Parliament. However well the Cameronians were in use to guard their secrets, yet there was more than one traitor in their councils on this occasion. Hepburn, their clerical leader, appears to have systematically betrayed their proceedings to the Government, while counselling and encouraging them. With a bold ingenuity, acquired in his casuistic studies, he justified his conduct on account of the importance of its consequences to the peace and stability of the country. Cunninghame, the military leader, did not escape suspicion of treachery.

Another of their trusted advisers, John Ker of Kersland, made the manner in which he deceived them the groundwork of an amusing narrative, which reminds one of *Le Sage*.<sup>1</sup> John Ker had married the heiress of the Craufurds of Kersland, a family which, in the previous two generations, had been leaders of the wild Covenanters in their hour of peril. According to that hereditary feeling so predominant through all Scotland, the leadership was held to descend on him, with the other family honours and possessions; but he had imbibed a very different spirit from that of the single-minded zealots of the days of persecution. Aware of the influential position which Ker occupied, the Duke of Queensberry sent for him, and represented to him that if he would serve the Government on this trying occasion,

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<sup>1</sup> *Memoirs of John Ker of Kersland, in North Britain, Esq., containing his secret Transactions and Negotiations in Scotland, England, the Courts of Vienna, Hanover, and other foreign parts. Published by himself. 2 vols., 1726. Quoted above, p. 161.*

he would achieve a great object, not unworthy, of course, of those rewards which achievements in statesmanship reap. He seems to have yielded to these blandishments without the slightest struggle. He promised to keep counsel—to help and urge on the proceedings of his friends—and to inform the Government, from time to time, of their secret movements and intentions. They might be permitted to burn down a few houses, or commit some other secondary outrages; but they were to go no formidable length without the Government having such full notice as might lead to effectual suppression.<sup>1</sup>

If we may believe the story of the disappointed Jacobites, the Cameronians were ready to march towards Hamilton seven thousand men well armed, and the Duke of Athole had mustered his Highlanders, and was ready to penetrate the pass of Killiecrankie, when the Duke of Hamilton, for selfish reasons of his own, sent rapid messengers to all the commanders and musterers, desiring them to break up their troops and return home. Whoever may have actually stopped the rising, the real secret of its abrupt dissolution was doubtless an unpleasant consciousness dawning on the conspirators that they were betrayed by some of their own number, if it were not an instinctive feeling arising in the minds of the Cameronians that they were to be made the tools of others, and fight in the wrong camp. The Government, acquainted with every step that had been taken, was prepared to meet such an open insurrection with troops from England. But a rising so suppressed was not an

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<sup>1</sup> The reader of Ker's volumes can scarce help thinking that he strives to make himself worse than he was, since, whether he may have been the knave he represents, it is difficult to believe that the Cameronians were the corresponding fools. Mentioning the affectionate kindness with which they listened to his views, as the representative of their old leader, he complacently tells the world—"I pretended—and would to God I had dealt more sincerely—to join with them in all their measures, and offered to fortify their resolutions with some arguments of my own." Turning over the page, the first sentence likely to meet the eye is—"The Cameronians, as I expected, reposed more confidence in me than I deserved, which will appear but too plainly in the following sheets. Whereupon I despatched an express to the Duke of Queensberry, and told him," &c.—Vol. i. 33-45.

event to be courted at such a perilous juncture of affairs ; and it is likely that the Government helped the conspirators to find out that they were entrapped, and did not too carefully conceal the preparations for defence.

The next movement against the measure was less daring and dangerous, but, had it been well managed, offered a better prospect of success. It was proposed that the country gentlemen of the Opposition—and they were certainly a numerous body—should assemble in Edinburgh, and present, in solemn procession, an address to the High Commissioner in Parliament, praying that the measure, so offensive to them, might be abandoned—at least until a new Parliament could assemble. It was said to be a device of the old Duchess of Hamilton, who had by marriage carried the honours and domains of her house into that of Douglas. The circular letters calling the assembly were transmitted with secrecy, and those to whom they were sent began to pour in a quietly increasing stream into the metropolis. The Government, ever on the alert for dangerous symptoms, noticed with uneasiness the unusual number of country gentlemen frequenting the streets of Edinburgh. As they were nearly to a man Jacobites, it was probably expected that they wished to accomplish more than the mere presentation of the address ; and doubtless those who brought them together thought it not unlikely that accident might open to them a more adventurous field of exertion. But internal difficulties interrupted the address. The Fletcher and Belhaven party, who had been active in bringing up the assemblage, were not to be committed to the Pretender, and the Jacobite lairds would not give their adherence to a Parliamentary succession. Thus there arose a division, which the mortified Jacobites charged the Duke of Hamilton with fostering for the sake of his own peculiar and inscrutable ends. A proclamation was issued against assemblages of persons for the purpose of passing addresses. The Jacobite lairds, whether intimidated by this or not, at least grew tired of doing nothing, and gradually dropped back to their estates, to brood over the ruin of their country and cause in moody silence.

In the mean time, and while the articles of the Union were rapidly discussed and passed, the desire of the Commission of the Assembly, that Parliament should provide for the security of the Church, was considered. The ingenuity of statesmen was taxed to give the measure as many holds on permanency as words and ceremonies could communicate to it, and at length the method adopted for affording it peculiar prominence and firmness was this. It was passed as a separate Act before the Act adopting the treaty. There was a stipulation that it should be repeated as a part of any Act adopting the treaty, both in Scotland and in England—and so it accordingly came to be. It provided that the Presbyterian Church government, as it had been established by various Acts of Parliament, with its Confession of Faith, its discipline, and ecclesiastical judicatories, should remain for ever unalterable, and be “the only government of the Church within the kingdom of Scotland.” It provided that every sovereign of Britain, at the accession, should take an oath to protect “the government, worship, discipline, rights, and privileges” of the Church.<sup>1</sup>

The Act appointed, by a provision which has given rise to much discussion, that no person should be a professor in any of the Scots universities, or a teacher in any school, unless he subscribed the Confession of Faith as the confession of his faith, and obliged himself in the presence of the presbytery to conform to the discipline and worship of the Church of Scotland. To understand the object of this provision, which established a test of belief and conformity, instead of the mere assent and acknowledgment required by the previous Act, it may be well to look at the avowed views of its promoters.<sup>2</sup> The risk that the

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<sup>1</sup> This oath is still peculiar, in being taken at the accession, while the other oaths are taken at the coronation. The maxim, that the sovereign never dies, had grown out of the principles of divine right propagated in the seventeenth century; and perhaps it was not then known that the practice of taking the oaths at the coronation, instead of the accession, was a relic of the old doctrine, that the reign of a monarch only began with his coronation.

<sup>2</sup> See the qualification of professors, &c., as adjusted by the Revolution Settlement, above, chap. lxxxiii.

Church of the minority might be conquered and put in bondage by that of the majority, was ever present, disturbing the minds of the honest supporters of the Presbyterian Church of Scotland—nor can they be justly blamed for having felt some anxiety on the matter. The great object of their stipulations was to make barriers which the Church of England could not get over. Wherever there appeared, therefore, a power of hostile organisation in the hands of that Church, it behoved that a like force should be set against it on the part of Scotland. It was stated in the debates, and dwelt on with much jealousy and alarm, that in England it was a necessary qualification for office, that the holder should have taken the sacrament according to the Church of England,—so it had been appointed by the renowned Test Act; and farther still, a party, likely soon to be predominant, were not content with the symbol of homage to the English Church, but demanded unceasing membership and conformity as a qualification for retaining office.

When Scotland was governed by a legislature mainly consisting of the persons who had passed, and who were trying to render more rigorous, the Church of England test, was it not possible that some day, in their wanton strength, they might pass an Act extending it to Scotland? It appeared, then, that the most effective method of meeting such an invasion, at least in the vital spot of the educational institutions, was to set down a counter-test, instead of leaving the ground neutral and unfortified. Thus it was not from the essential utility of tests in themselves that this provision was adopted, but as a protection from the antagonist tests of England, of which Scotland now runs no more risk than of the restoration of the Claim of Homage. To show this to have been the object, the injunction of the test is immediately followed by a clause declaring that none of the subjects of the kingdom shall be liable to any other and adverse tests.<sup>1</sup>

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<sup>1</sup> “ And further, her majesty, with advice aforesaid, expressly declares and statutes, that none of the subjects of this kingdom shall be liable to, but all and every one of them for ever free of, any oath, text,



Before the debate on the Act came to an end, an effort was made to extend the system of tests to all offices of trust in Scotland, so long as the Test Act continued in operation in England. In this extended form it was not to involve a belief in Presbyterianism, but it contained a solemn engagement to own and support the Presbyterian Church. The proposal was, however, negatived. The Government did not desire to extend the influence of Presbyterian tests. The Jacobite opposition, even to damage the treaty, were afraid to support a proposal which, if carried out in its sincerity, would exclude themselves from civil office. The proposed test was thus allowed to drop, but many of the Jacobites supported the securities, so far as they affected the Church and universities.

To the surprise of the zealous Presbyterians, they thus found the most stringent parts of the Act of Security very acceptable to those members with whom they had least in common; and it was not unreasonably argued, that the Jacobites gave it their goodwill, in the belief that it would give mortal offence to the English High-Churchmen, and rouse them to the defeat of the measure. If they were actuated, as Defoe and others hint, by such a motive, they had failed to calculate on the Low Church predominance which King William had infused into the more influential part of the Church. It might be hard, it is true, for bishops to accept of, and pass legislatively through their own House, a measure speaking of Presbyterianism as the true Protestant religion. But the measure contained a balancing clause, consenting that the Parliament of England might provide as it thought fit for the security of the English Church within their own country, and so qualified the declaration of the truth of Presbyterianism in Scotland, as to make it seem not exclusive of the truth of any other form in England. The

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or subscription, within this kingdom, contrary to, or inconsistent with, the foresaid true Protestant religion and Presbyterian Church government, worship, and discipline, as above established; and that the same, within the bounds of this Church and kingdom, shall never be imposed upon or required of them in any sort."

Church of Scotland grumbled gently against this latitudinarianism and abandonment of the testimony against Prelacy ; but it did so as a mere matter of form and consistency, for the moderate Presbyterians saw more clearly every day, that their hopes of permanent strength lay in the Union being carried.

Meanwhile the articles went through the House, with debates and occasional divisions, in which the Government kept generally the majority with which it had started. In the principal divisions, a record of all who voted on either side was preserved and printed,—an unusual practice in the Scots Parliament, and one which could not fail, on such an occasion, to be assailed with many bitter criticisms.

The fifteenth article, adjusting the Equivalent and abolishing the African Company with compensation, came up for consideration on the 7th of December. Two mathematical professors had been appointed to examine the calculations on which the Equivalent rested, and on their report they were pronounced correct. These pecuniary adjustments were of a kind on which it was easy to utter flagrant fallacies to excited multitudes ; and had the Scots people been as liable to gregarious hallucinations as the Irish, the affair of Wood's halfpence might have been anticipated in a popular combination against Scotland being subjected to the debts of England. Had there been so dangerous a spirit deeply seated in the people, the Equivalent was a feature tending rather to arouse than to allay the popular jealousy. But the Jacobite politicians who tried the extent of popular credulity were not so successful as they expected to be, and the national good sense was gradually recovering possession of the popular mind. At the same time, a little incidental matter, with which the Opposition expected to work out effects totally disproportioned to its importance, was adroitly taken out of their hands. In the interchange of trade privileges, private rights were to be left entire. Thus some places had exemptions from taxation, and in both countries it was necessary to respect such exemptions until Parliament should subsequently deal with them. It happened, how-

ever, that among English private rights there were certain taxes on commodities passing from Scotland. For instance, the city of Carlisle and the Musgrave family had a right of toll on all cattle passing from Scotland by certain routes. Here was an inconsistency in the interchange of privileges,—small, it is true, but seemingly insuperable, so far as it went, and capable of offensive exaggeration. No sooner, however, had the Opposition begun to work it, than the English Government stepped in, and procured parliamentary authority for purchasing the privileges.

The liberality with which compensation had been offered by the English for the losses of the African Company, had, much to the annoyance of the Opposition, swept the debate clear from a very powerful post, which they would have occupied to great effect. The shareholders had appeared to be hopeless losers. They might have calls to pay up, but could expect no returns in the ordinary course of human events, and they were generally ready to part with their shares for trifling sums. Nothing could be better calculated to refresh the drooping hopes of certain desponding families, than a payment in full of all their outlay; and though, in several instances, the right to the stock had been disposed of by the hard-pressed owners, or had been seized by creditors, many a depressed and fallen house would still be restored to comfort by the repayment of its losses.<sup>1</sup>

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<sup>1</sup> Defoe says: "The method proposed appeared so fair, that it left no room for objection, it being a valuation from the true original—viz., that every private adventurer should be put in the same condition as he was in at first, supposing his money put out to interest, so that every man was to receive his full original capital stock which he had at first advanced, and five per cent interest to the time of payment.

"Nor can I forbear saying, that the surprise of this offer had various effects upon the people; for this stock was a dead-weight upon a great many families, who wanted very much the return of so much money. It had not only been long disbursed, but it was, generally speaking, abandoned to despair, and the money given over for lost. Nay, so entirely had people given up all hopes, that a man might, even after this conclusion of the treaty, have bought the stock at ten pounds for an hundred. And after all this, to find the whole money should come in again, with interest for the time, was a happy sur-

Yet the Opposition were determined not to lose the associations of national anger and disquietude which clustered round the mere shadow of the great grievance. It was asserted that the mere repayment of the money lost in the adventure would be no compensation to Scotland for sacrificing the privileges of so great a trading corporation, and virtually conveying them to the English companies, in whose transactions no Scotsmen could participate, since the nominal equality of trade extended to Scotland was a mocking right to participate in what had been already absolutely bestowed on others. However contented the shareholders might be to get back their lost funds, the directors made another choice, taking up the battle against the Union. They stated their views in a memorial at considerable length, which was, of course, warmly backed by the Opposition. It was maintained, with much seeming reasonableness, that the Company, being private parties, whose interests were affected, should be heard by counsel for their demands. If this point had been conceded, some delay—which was the main object of those who waited daily for news from France—might have been obtained; but the majority, trusting to the soothing effect of the prospective payments, swept through this interruption with rapid ease.<sup>1</sup>

The uniformity of the coinage afforded some opportunity for recalling nationalities and old traditions of the

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prise to a great many families, and took off the edge of the opposition which some people would otherwise have made to the Union in general.”—P. 179, 180.

<sup>1</sup> The directors had been elating themselves with hopes about the commercial value which their privileges would hold, if they were made a British Company by the Union. In a draft of a letter written from the Company's office to one of the commissioners, during the treaty, it is said: “As to the Company's assigning or transferring their right, in consideration of having the sums advanced by the subscribers repaid again (as the Earl of Stair writes), we know not how we might be censured for making any such bargain (if we had power to do so, as we have not), especially when we know that, some years ago, a particular set of merchants in London declared that they would give a million sterling to have an unquestioned right to our Company's privileges.”—Darien Papers.

symbols of independence and freedom. Even that fraction of a farthing which proclaimed the penury of a country which used so minute a token of value, had on its face the symbol of the hardy thistle and its defying motto, and reminded the poorest of the indomitable spirit of their country. That the old coinage should be at once swept from the familiar gaze of the people, and be replaced by that of their ancient oppressors, was a humiliating reflection ; but it did not become those who had been driving their pecuniary bargains pretty hard, and had been altering the treaty in their own favour in substantial, to insist too strongly that the circulating medium, to be supplied chiefly from the generous affluence of England, should bear the image and superscription of an unsocial separate nationality. Whatever might thus be lost in national associations, the utmost care was taken that nothing should be lost in cash. The Scots merk, which corresponded with the English shilling, was a penny-farthing more valuable. It was easy to withdraw the merk from circulation by paying the premium out of the sum allowed for the equivalent. The operation was self-acting, for people would no longer retain the Scots merks to circulate as English shillings, when by restoring them to the mint they could obtain a premium exceeding ten per cent.<sup>1</sup>

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<sup>1</sup> There was a little incidental matter, however, which presented some difficulty. The Scots coinage had grown scarce, and a small quantity of English silver coinage had come into the country as a substitute for it, and had been, by assent, received as of the same value. Thus, in the scarcity of merks, English shillings, though less valuable, were used for them. It was said to be a hardship that the holders of any of this English money, when the Scots coinage it represented was called in, should hold it no longer at the fictitious value which had been conferred on it, but at its intrinsic value as part of the new coinage. And yet it was difficult to meet this case ; for, if it were known that the premium would be given on English coin for its conventional value, as well as on the Scots coin for its real, there would be a sudden flow of English coin to Scotland. The plan taken was, that by an unpremeditated proclamation, the holders of English coin might present it at a fixed day, and between certain hours, at a change table in Edinburgh, Glasgow, or Aberdeen, where it was to remain in sealed bags until the time for presentation ceased.

The clauses which next came on for discussion chiefly related to the internal administration of justice in Scotland. This part of the progress of the measure scarcely belongs to its history as a treaty. The English had agreed that Scotland should retain her law and judicial establishments; and any stipulations for special conditions in this department were only a seizing of the opportunity for legislating on matters which had not been provided for by previous statutes in Scotland. It was reasonable that before being committed to the custody of a joint Parliament, the nature and details of the laws and judicature should receive a more specific legislative definition than they would require when left in the hands of a home legislature. Hence some additions were made to the treaty, embracing matters which, it was natural to suppose, had been already fixed by law, and they were received by the English Parliament as the authoritative announcement of the constitution of the Scots judicial system.<sup>1</sup>

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This precaution was taken to prevent the same money from drawing the premium more than once. The amount of English silver coin in the country was greater than it is easy to account for. No less than forty thousand pounds' worth was brought to draw the premium. And when it is remembered that only those who had considerable sums in their possession would think it worth while to make the application, there is some ground for a suspicion, countenanced at the time, that in spite of the cautiousness and rapidity with which the operation was conducted, English money had been sucked into the country by the prospect of the premium. The mere amount of itself would not be remarkable, were it not that it was used at a nominal value. Of foreign coin, which had to be commuted at its own value, the amount brought to the mint was £13,280. The whole amount brought in was £411,117 sterling. It was deemed unnecessary to call in the coin in gold, as this metal carries its own value with it wherever it is used. There are no data for precisely finding the value of gold in circulation, but it has been inferred to be as great as the quantity of silver commuted. Were this true, making an allowance for a margin of silver going astray into remote local circulation in minute quantities, and not brought in, the whole metallic circulation of Scotland at the time of the Union would approach a million.—See Ruddiman's Introduction to Anderson's *Diplomata*. Short Account of Scottish Money and Coins. Edinburgh, 1817.

<sup>1</sup> There was, for instance, a long debate and several divisions on the question, Whether writers to the signet should be eligible to the

It was subsequently discovered that one unhappy word, introduced and carried in the haste and confusion of discussing the concluding articles, wrought more mischief than many of those more conspicuous clauses from which great national calamities were apprehended. When the twentieth article, for the preservation of heritable offices and jurisdictions, came on, it was proposed to add the word "superiorities." The proposal seemed reasonable, and was adopted without hesitation. It involved no alteration of the existing law, which sanctioned the territorial right to exact suit and service from the vassal. The time was approaching, however, when the country was outgrowing in civilisation the feudal rule of the fifteenth century, which scattered the population into little groups, subject to the military leadership of the owners of the soil. In the two subsequent rebellions, the country felt the bitter influence of preserving this barbarous relic within the constitution. Had the word "superiorities" not occurred in the Act, the feudal system, as it existed in Scotland before the Union, would, of course, have remained with the other laws of the nation. But its special retention in the Union suggested the argument that it was no longer a law remediable by the legislature on cause shown, but a personal stipulation which could not be altered without breach of faith.<sup>1</sup>

The twenty-second article, limiting and adjusting the Scots share in the imperial legislature, again ranged the champions on either side in pitched battle. The debate

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bench, and on what terms? It was carried as an alteration of the treaty that they should be eligible after ten years' practice. Yet no writer to the signet has, since the Union, taken a seat on the bench, except Hamilton of Pencaitland, elevated in 1712.

<sup>1</sup> Defoe, in allusion to the careless haste with which this brief but important alteration was made, says: "This was a time of hurry, and people could not look about them as at other times. Nor was the liberty of the poor people so near in view as to move that concern in men's minds, which, perhaps, were it now to be done, might be otherwise." The Scots Parliament had not followed the valuable practice adopted in England, by which details were carried in committee, and brought up for legislative sanction in a report. There was no opportunity for reconsidering a hasty vote, unless on the general question, whether the whole Act, as altered, should pass.

raged in various forms, for as each point was carried, violent and menacing protests were entered against it; and again the storm of words arose about the fitness of these documents to appear as part of the records of Parliament, while the one side spoke of factious and treasonable interruption, the other retaliating about tyranny, corruption, and attempts to suppress the freedom of parliamentary discussion. This debate was, however, more loud than formidable. It took place under circumstances extremely discouraging to the Opposition. They had resolved, on this occasion, to make one last and desperate effort to defeat the Union, by breaking up the legislature, and abiding the consequences of a civil war; but the leadership on which they relied failed them, and, compelled to abandon the simultaneous charge, each combatant was left to fight his hopeless battle single-handed. This incident requires to be separately related.

About the end of the first week of January, the Opposition leaders remarked to each other that the measure was passing rapidly, that it was near a conclusion, and that hitherto all their projects for its destruction, or even its postponement, had been futile. It was now time—if ever—to do something decisive. Hitherto, indeed, postponement would have served the purpose, at least of the Jacobite party. They were like Bluebeard's wife, with her cry of "Sister Anne, sister Anne, do you see anybody coming?" ever looking out for assistance from France. But there was no prospect of a rescue; and if they could not strike an effective blow, a few days would see the last and hardest labours of Scotland's legislature ended.

A plan of action was devised in conclave in the Duke of Hamilton's house. When the Estates came to adjust the representation of Scotland in the new Parliament, a solemn protest was to be taken against their power to dispose of the country for which they legislated, and the Opposition were, in solemn form, to secede from the House as from a body occupied in an illegal and unconstitutional act. It is nowhere expressed, but it was understood, that the seceding body would form a nucleus for the country to rally round, and the authors of the project certainly



contemplated civil war. The protest, though it was never used, has been preserved, and testifies to the ability of its unknown author.

It was a sermon to the text that a body of legislators are not the owners or masters of a people. They are not entitled to bargain away the nation they represent, or make it cease to exist. They arise out of national conditions, and hold their power subject to those conditions. To say that the supreme legislature, which has existed from time immemorial, and of which they are the mere temporary administrators, shall no longer exist, is to undermine their own authority for acting as legislators. Anything that turned to a practical end admitted of the formidable inference, that the secession would consider themselves the centre of a new Scots Parliament.

The cause of the failure of this scheme must be given as it is told by one of its most zealous and most severely mortified concocters. It was understood on all hands, that the Duke of Hamilton was to present it as his protest, and that the Opposition, in general, were to follow as adherents. The stroke to be played was announced. The Government were fortifying themselves for a shock—the Opposition looked defiance—the passage to the Parliament House was thronged with an expectant crowd. The Duke of Hamilton, however, did not appear. When inquiry was made for him, the answer was, that his grace had a toothache, and did not intend to go to the House. Political partisans are not accustomed to take such flimsy apologies from those who lead them to political extinction or victory. His presence was demanded in a manner not to be trifled with, and he entered the House. There, with the utmost innocence, he asked the gentlemen of the Opposition, whom they had appointed to table the protest?—*he* had no intention of doing so, but he would be the first to offer his adherence. The Opposition were struck nerveless; they felt that, according to a term taken from other pursuits, but sometimes applied to such political feats, they had been “sold;” and, after an unorganised debate of personal conflicts, they sank into apathy.

Such is the account which the Jacobite narrator gives

of the duke's third betrayal of his friends. As to his courage, many events in his life put that beyond question, and death came to him fighting resolutely in one of the most ferocious duels of his age. Yet was his conduct in all this matter strangely feeble or curiously equivocal. It was natural that the conduct of the duke should remind people of his descent. The fundamental law of the Revolution settlement disqualifying all Papists from sovereignty in Scotland swept away the descendants of Charles I., and part of the descendants of his sister Elizabeth, the Queen of Bohemia. Of her other descendants, the first in order, the Princess Sophia, was excluded from Scotland by the Act of Security, because she was selected for England; and the country was not likely to throw itself into the hands of the next in order, the head of the aggrandising house of Brandenburg. The removal of all these would open the old claim, so often referred to, of the house of Hamilton. It might, in the temper of the times, be in its favour that the claim could apply to Scotland only. It was inherited by the duke from his mother, and it would receive a certain enhancement of lustre through his father, who represented the house of Douglas with all its heroic memories, so dear to Scotsmen. But, on the other hand, the solution has been sought in those higher Court intrigues to which the Scots Jacobites were not admitted. Until the first sovereign of the house of Hanover was proclaimed, there was a hope, and sometimes more than a hope, that Queen Anne would hand over her sovereignty to her brother. The duke had reason to know that she was personally anxious for the completion of the Union. The knowledge of this, when interpreted with communications from the Courts of Paris and St Germain, went to show that the queen desired to hand over to the true heir an empire united and settled.<sup>1</sup> The real secret seems to be, that the Opposition had no assurance of support from the country. Depending on a French invading force, and depending on the national antipathy to the Union, were two

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<sup>1</sup> Transactions during the Reign of Queen Anne (attributed to Charles Hamilton, the duke's son), p. 41-45.—Douglas's Peerage, by Wood, i. 716.

very different things. The antipathy was far from being so strong and fierce as they had tried to make it. It was superficial at first, and it decayed, instead of strengthening, with time and thought. The Opposition were afraid to rely on it, for the steady bulk of the people had examined the proposed arrangement with national sense and patience, and were becoming reconciled to their fate with an odious readiness.

Before this twenty-second article of the treaty was passed, it was, among other amendments, put and lost, that the Parliament of Great Britain should meet once each third year in Scotland. That any such proposal was named we know only by a brief entry in the minutes. It would be difficult to find any trace of it in the controversies of the period, where higher or more substantial interests were always pleaded than the incomes of the retail dealers of Edinburgh, who doubtless were to be losers when the Estates ceased to assemble there. The notions then entertained of the immense benefit enjoyed by the portion of a nation where its legislature meets, perhaps made this seem something like an adjustment of national interests.

The abortive manifesto and secession were the last great efforts of the opponents of the Union—a discordant conjunction of independent patriots who wished to verify traditions of national independence, and of Jacobites who wished to restore the reign of the Stewarts. They now folded their arms and submitted to their fate.<sup>1</sup> In the middle of January the discussion of the articles, begun on the 12th of October, was concluded, and on the 16th came

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<sup>1</sup> There is an anecdote told on the authority of Lockhart, that Seafield, the Chancellor, on signing the official exemplification of the Act, though the occasion should have been one of peculiar solemnity, using a well-known Scots simile, said, "And there's an end o' an auld sang." Nothing could be a better indication of the tenacity with which Scotsmen, who had a tinge of Jacobitism, retained, even down to the nineteenth century, prejudices against the Union, than the indignant outbreak of Sir Walter Scott, who, when repeating this anecdote, calls the allusion "an insult for which he deserved to have been destroyed on the spot by his indignant countrymen."—Introduction to Provincial Antiquities.

the last division on the passing of "An Act ratifying and approving the Treaty of Union." It was carried by 110 to 69; "and the Act was thereafter touched with the royal sceptre by her majesty's High Commissioner."<sup>1</sup>

Let us, before following the Union into St Stephen's, take passing notice of a charge often made and sometimes believed, that the Union was carried in Scotland by the influence of money given in bribes to men who were influential, or could be made useful. When apprehensions were expressed in Scotland for the safety of the measure, Godolphin desired that the Scots ministry "would go on, and not be alarmed at the foolish behaviour of some, who, whatever might be given out in their name, he believed had more wit than to ruin themselves." These were supposed to be the words of one who had secured success by buying up opposition. They received confirmation at the time from some vague suspicions about moneys that had passed from England to Scotland.

These suspicions took substantial shape when the bitter *Memoirs of Lockhart* were prematurely published. In a postscript he stated that, in the course of a financial investigation which he had made in the year 1711, he had discovered the precise sum paid, and the manner of its distribution, and found the whole affair darkened by the fact, that the money for which the traitors sold their country was paid by England. He found the amount to be £20,540, 17s. 7d.; and he set down the names of the receivers, with the sum appropriated to each.<sup>1</sup> It will be

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<sup>1</sup> This climax had, however, overstretched the powers of one of the most laborious official supporters of the Union—Lord Stair died suddenly from the effects of anxiety and over-exertion, just as the twenty-second article was carried, and the perils and difficulties were over.

<sup>2</sup> The account stands thus :—

To the Earl of Marchmont,	.	.	.	£1104	15	7
„ „ Earl of Cromarty,	.	.	.	300	0	0
„ „ Lord Prestonhall,	.	.	.	200	0	0
„ „ Lord Ormiston, Lord Justice-Clerk,	.	.	.	200	0	0
„ „ Duke of Montrose,	.	.	.	200	0	0
„ „ Duke of Athole,	.	.	.	1000	0	0
„ „ Earl of Balcarras,	.	.	.	500	0	0
„ „ Earl of Dunmore,	.	.	.	200	0	0

seen that, deducting the amount applied to the support of the Commissioner's establishment, the sum total for which these statesmen are supposed to have sold their country, is £8215, 17s. 7d. It has been related, that the Earl of Marchmont had so nicely estimated the value of his conscience, as to give back 5d. in copper, on receiving £1104, 16s. The price for which the Lord Banff had agreed to dispose of himself was £11, 2s.—an amount held to be the more singularly moderate, as he had to throw in a change of religion with his side of the bargain, and become a Protestant that he might fulfil it.<sup>1</sup>

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To the Lord Anstruther, . . . . .	£300	0	0
„ Mr Stewart of Castle-Stewart, . . . . .	300	0	0
„ the Earl of Eglinton, . . . . .	200	0	0
„ „ Lord Fraser, . . . . .	100	0	0
„ „ Lord Cesnock (now Polwarth), . . . . .	50	0	0
„ Mr John Campbell, . . . . .	200	0	0
„ the Earl of Forfar, . . . . .	100	0	0
„ Sir Kenneth Mackenzie, . . . . .	100	0	0
„ the Earl of Glencairn, . . . . .	100	0	0
„ „ Earl of Kintore, . . . . .	200	0	0
„ „ Earl of Findlater, . . . . .	100	0	0
„ John Muir, Provost of Ayr, . . . . .	100	0	0
„ the Lord Forbes, . . . . .	50	0	0
„ „ Earl of Seafield, Lord Chancellor, . . . . .	490	0	0
„ „ Marquis of Tweeddale, . . . . .	1000	0	0
„ „ Duke of Roxburgh, . . . . .	500	0	0
„ „ Lord Elibank, . . . . .	50	0	0
„ „ Lord Banff, . . . . .	11	2	0
„ Major Cunningham of Ecket, . . . . .	100	0	0
„ the Messenger that brought down the Treaty of Union, . . . . .	60	0	0
„ Sir William Sharp, . . . . .	300	0	0
„ Patrick Coultrain, Provost of Wigton, . . . . .	25	0	0
„ Mr Alexander Wedderburn, . . . . .	75	0	0
„ the Commissioner, for equipage and daily allow- ance, . . . . .	12,325	0	0
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	£20,540	17	7

<sup>1</sup> In the Minute of Parliament for 3d October 1706, it is stated that the Lord Banff, “who was some time Papist, being now Protestant, and willing to sign the formula,” was admitted to his seat and took the oaths. The minister of Banff, writing to the great Carstairs, says: “My Lord Banff, upon declaring himself Protestant, has a mind to go south and take his place in Parliament; and withal, be-

Looking to the supposition that the money was distributed for the purchase of votes, it will be observed that many of the recipients being peers, were hereditary members of the legislature ; and it is found, on examining the division-lists, that nearly all of them voted with the Government, especially in the first and emphatic division. On the other hand, Major Cunninghame of Ecket, Sir William Sharp, and Alexander Wedderburn, with possibly some others, were not members of Parliament. The Duke of Athole, far from earning his thousand pounds, gave the project for the Union an uncompromising hostility ; and Cunninghame of Ecket, with whatever views he may have received his hundred pounds, was prepared to take arms against the measure.

Let us now look at the form in which Lockhart brings his charge. He says : " I shall give a very clear and distinct account of the matter, as it was discovered and reported to the British Parliament by the commissioners appointed in the year 1711, for taking, stating, and examining the public accounts of the kingdom." He states that the money was applied for under the pretence of a loan to pay arrears of salary, which it was equally inconvenient at such a juncture to leave unpaid or to raise by taxation. The money was sent without the usual formalities. It was distributed by the Earl of Glasgow, who, according to Lockhart, gave in to the commissioners, on oath, the statement of payments, which he repeats.

The reports of this committee are extant—they were then inaccessible, but they may now be seen in print. They are, indeed, memorable documents. The inquiry was instituted by the Harley and St John ministry, for the purpose of bringing contumely on their Whig predecessors ; and it was worked by Shippen, Lockhart, and other zealous Jacobites, who took heartily to their task. It was on their report that Marlborough was dismissed

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cause his circumstances require it, his lordship requires your kind influence for his encouragement, that he may undertake his journey." —Carstairs' Papers, 736. Are we to infer that the £11, 2s. were given to defray the expense of his lordship's journey ?

from office ; and that, by a still sadder fate, he bequeathed his great name to posterity tainted with the certainty of greed and the suspicion of fraud. By another historical result of their labours, Walpole was disgraced and committed to the Tower, for countenancing a speculation in army stores. But the third great exposure which Lockhart makes in their name, is not to be found in their reports.<sup>1</sup>

Not that the matter was passed over—it received a very minute investigation. The advance made from the English treasury to that of Scotland was clearly proved. Godolphin himself was examined on the subject, and baited by the committee. It was represented that the money had been advanced by way of loan. The inquiries of the committee were directed to the question whether it had been repaid. Lord Glasgow asserted that “it consisted with his own proper knowledge that £12,325 were paid back after the Union.”<sup>2</sup> If such a payment had been made, however, it was not to be traced through the proper offices. The transaction was altogether irregular, both in the advance and in the repayment, if there was repayment. Farther than this, however, the committee, whose function it was to ruin as many men of the Union party as they could, did not carry their inculpations.

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<sup>1</sup> See the first and second Reports of the Commissioners of Public Accounts, *Parl. Hist.*, vi. 1049, 1109.

<sup>2</sup> This sum, it will be seen, corresponds with the amount allowed to the Commissioner for keeping up his establishment. The committee seem not to have doubted that this sum was repaid, for they complain of no satisfactory account being given “of the £12,325 since repaid.” Lockhart, indeed, admits the repayment, but subjoins this odd and improbable sequence : “But was it paid back again to the treasurer as the queen first designed it? No ; but, as the commissioners of accounts discovered (after a great many oaths and examinations of the Earls of Godolphin and Glasgow, and Sir David Nairn, altogether repugnant and contradictory to one another), to the queen herself, in a private clandestine manner ; and since the said commissioners do affirm in their report that it was not applied to the use of the public, people generally believe that her majesty was pleased to return it to the Duke of Queensberry and the said two earls, as a reward for their good services in carrying on the Union.”—Lockhart Papers, i. 271.

The avowed object for which the money was obtained was to pay arrears of salary, and various other debts due to creditors of the Crown ; and the question remains how far this object coincides with the particulars of the nature and conditions of the advance. There is no doubt that the money was clandestinely transferred from England to Scotland, and kept out of the usual official channels ; and the committee pass some slight censures on this secrecy and irregularity.<sup>1</sup>

If we take the reports of the committee as a foundation, and admit that Lockhart's particular enumeration of sums paid is a true statement of information given to the committee, but not reported by them, the natural view of the transaction is, that the money was employed in paying arrears of salary or other debts. Indeed, Lockhart's own narrative announces this as a primary fact. To make it bear out his charge of gross corruption, however, he asserts that one portion of the money went in paying, a second

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<sup>1</sup> In their general observations the committee say : " That it is plain by the two letters from the Lords of the Treasury in Scotland, that this sum of £20,000 was not advanced to them by way of secret service, or as a gift, but as a loan, on promise of repayment, and receipts were accordingly given for it by their agent here ; but your commissioners are at a loss to explain some expressions in these letters—viz., that opposers to the Union would make some noise if her majesty's letter was read in the Treasury ; that they had been obliged to give promises to several persons, and, without the sum desired, they would be disappointed, which might prove of bad consequence ; that they would not have it known that her majesty lends any money, &c. Nor will we presume to guess at the reasons of these insinuations, but humbly conceive that, if the money had been fairly applied to the pretended purposes, there would have been no just occasion for so much caution and jealousy.

" But whatever inducements the Lords of the Treasury in Scotland might have for transacting this affair in so secret a manner, we are of opinion that the persons employed here by her majesty ought not to have parted with the money till her majesty's letter had been read in the Treasury of Scotland, and till a proper security had passed there for it. Whereas it was paid on the receipt of a private agent, and at the request of private persons, for so we must take leave to call the noble lords who signed these two letters to the Earl of Godolphin, because they could not sign them as Lords of the Treasury, for the Earl of Mar was never in this commission, and the Earl of Loudon had for some time been removed from it."



time, debts that were already satisfied ; while those who participated in the remainder, having given no acknowledgments for money received, audaciously repeated their claims, when the Scots debts were satisfied out of the Equivalent fund, and thus received double payment. Lockhart says that this was brought out by the commission of accounts, but their reports do not justify him. They found difficulties, certainly, in the way of a true elucidation of the recent expenditure in Scotland, and proposed to themselves to probe the matter more fully ; but, in the mean time, larger and more tempting exposures opened themselves in the corrupt dealings with the army estimates ; and the small matter of the outstanding balance, not extending to eight thousand pounds, unaccounted for in Scotland, seems to have been permitted to

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<sup>1</sup> Lockhart's statement on this head is : " The commissioners of accounts having required from the auditor of exchequer in Scotland an account of all pensions and salaries due at any time, from the queen's accession to the throne to the commencement of the Union, to the persons contained in the aforesaid account exhibited by the Earl of Glasgow, and a particular account of all payments, and the time when made, to such persons, on account of such pensions and salaries, it did appear from the return, that several of those persons, such as the Dukes of Montrose and Roxburgh, Sir Kenneth Mackenzie, the Earl of Balcarras, Patrick Coultrain, John Muir, the Lords Fraser, Banff, and Elibank, had no manner of claim, all that they, on such pretence, could have demanded, being paid to and discharged by them a considerable time before the distribution of this money ; and others, such as the Dukes of Queensberry and Athole, Lords Eglinton and Anstruther, Mr Stewart of Castle-Stewart, Lord Prestonhall, and the Marquis of Tweeddale, gave no acquittance for, nor is there any notice taken in the records of the treasury of, the money they thus received from the Earl of Glasgow ; so that in a few months thereafter, when they obtained certificates from the Lords of the Treasury, of what was due to them on account of arrears of pensions and salaries, some of them had no regard at all, and others only in part, to what they had received from the Earl of Glasgow, and being thus entitled to the full of their arrears out of the Equivalent, many were consequently twice paid, in whole or in part."—Lockhart Papers, i. 271. The Duke of Athole demanding payment over again, after he had fought a long, hard battle to defeat the Union, and while, indeed, he had a charge of high treason hanging over his head, must have been a political phenomenon worth observing.

drop, under a sense not only of its comparative smallness, but of its really affording no rational prospect of bringing home fraud or corruption to the enemy.<sup>1</sup>

It might, perhaps, at one time have been possible to exhaust the inquiry, by finding whether all those who participated in the fund were creditors of the State, and how far any of them were overpaid. But such an inquiry, which, in Lockhart's days, was either impracticable, or did not promise to lead him to the result which he desired, is now out of the question.<sup>2</sup> The general fact, that at that time the claims of public creditors in Scotland were in arrear, is too palpably notorious. Public rewards were recklessly voted even by Parliament itself without any means being provided for their realisation, and the records of the supreme legislature are filled with dunning petitions from urgent creditors. Some of them set forth statements, which, if they were addressed to individual debtors, would involve charges of cruelty and dishonesty ; for, not only are the rewards voted for public services withheld, but the money which the petitioner has been induced to spend in the public service is not refunded, and obdurate private debtors exact from the ruined public servant that penal satisfaction which he cannot draw from the legislative body, of whose carelessness they are both the victims.

<sup>1</sup> After observing that there is nowhere any pretence of a repayment of the £7675, remainder of the £20,000, nor any satisfactory account of the £12,325 since repaid, they proceed to say : " As to the revenue of Scotland, your commissioners doubt not but the House will be pleased to consider that they must necessarily have met with many difficulties to their inquiries into the mismanagement of it, by reason of the remoteness of the place where all the offices and records relating to the public money are kept, from whence not only discoveries and informations, but witnesses to prove and make good the same, must be brought ; and this would have been attended with so much trouble and expense, that some examinations have been rendered impracticable, which, in another year, may be prosecuted with better effect." But in the third report, presented in the ensuing year, 1713, there is no reference to the subject.

<sup>2</sup> The most unlikely persons on the list to have been creditors for arrears of salary or pension, are the provost of Ayr and the provost of Wigton. The sums they received were probably to defray the expense of keeping the peace in the disturbed west country.

Thus the Earl of Marchmont, so conspicuous in Lockhart's list, is found complaining to the Duke of Argyle that he cannot get payment of arrears of his salary as Lord Chancellor.<sup>1</sup> Major Cunninghame of Ecket, who receives £100, is found earnestly beseeching Parliament to repay to him £275, expended out of his own means, in the subsistence of officers under his command, whose condition was discreditable to the service.<sup>2</sup> Whatever fund might be obtained for defraying such debts, where the demands so far exceeded the payments, it is quite natural that influence should often outweigh justice, and the more equitable claims yield to those which were most powerfully supported. At all times, and especially at any dangerous crisis, the official men who sat in Parliament, or the commanders of troops, would receive more ready attention than Adair the hydrographer, Anderson the antiquary, or the Dutch engineer Sletzer, who, by ill-kept promises of parliamentary reward, had been induced to publish a volume of Engravings of the architectural antiquities of Scotland.

The rational conclusion seems to be that the statesmen of the day, English and Scots, thought it a thing to be regretted that while so delicate a piece of statesmanship as the passing of the Scots Union Act was in hand, there were debts due by the Crown, and arrears of salary to public officers unsatisfied; and that the transfer of money from the English to the Scots exchequer was a temporary loan for the removal of these causes of discontent.

Though the Scots Estates had passed the Act of Union, they were still a sovereign legislature until that Act had

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<sup>1</sup> Marchmont Papers, iii. 294. "I cannot but think it strange, that now, after three years, the £827, 15s. 7d. sterling of my salary for serving the queen as her chancellor is yet resting to me, which makes me very uneasy in this time, when so little can be made of our estates in the country." Sir George Rose, in a "Defence of Patrick, Earl of Marchmont," prefixed to the Marchmont Papers, makes out at least a probable case for a sum equivalent to the amount stated by Lockhart being due to the earl in 1706.

<sup>2</sup> Acts of the Scots Parliament, xi. 286.

been accepted and passed by the Parliament of England. In that anticipation, some parliamentary duties still remained for Scotland. The first was an arrangement for sending representatives from Scotland to the British Parliament, should there be an immediate prospect of the Union being carried in England, so that the Scots Estates, after having, in the first place, seen their immediate successors appointed, might be enabled, before separating for ever, deliberately to legislate for the future representation of their country in the united Parliament. So, on the 20th of January, they resolved that, if it were decided that the existing Parliament of England should remain as the English portion of the Parliament of Great Britain, which ultimately was the plan adopted, then the representative Peers, as well as the Commoners, should be chosen out of the existing Estates of Scotland. The next business was the final arrangement for the selection of the sixteen Peers. The question was—Should all the peers go up to Parliament by rotation, or should representatives be elected for each Parliament? The latter plan was carried, and its adoption was probably helped on by a complacent prospect, which the Scots Peerage began to entertain, of being gradually absorbed into the new legislative Peerage by obtaining British titles. It was proposed that the election of the representative Peers should be by ballot; but after a debate the system of open voting was carried.

A resolution was passed, excluding Peers and their eldest sons from seats in the united Commons. It was proposed to enact this directly and in words; but a counter-motion was carried, to limit the representative right to "such as are now capable, by the laws of this kingdom, to elect or be elected." Though the clause, in this form, had in practice the same effect as the direct exclusion, yet there seems to have been, for some reason difficult to discover, a keen debate about the form of the exclusion. A long list of Peers voted for it in its indirect form, but only two for the specific exclusion. Why the representation was to be so jealously guarded from the Peers, that a seat must not be held by even the heir to a Peerage, is not

easily to be fathomed. It is certain, however, that many of the Scots Peers of the age were miserably poor and disreputable. It was the hereditary ownership of land, not the acquisition of title, that constituted the true aristocracy to which the common people looked up.

In dividing the forty-five Commoners between the counties and the burghs, thirty were given to the former, and only fifteen to the latter,—an arrangement which seems to have been voted without discussion. Edinburgh was allowed one representative—the other burghs were dispersed in fourteen groups; and the members of each group appointing a commissioner after the manner in which they used to elect a representative to the Estates, the commissioners for the group or district were to assemble together as a committee and choose the representative. The Act excluded Papists; and though this and its other provisions were, by a special clause of the Act of Union, to be counted part of the treaty, yet the whole system introduced by it has, since the Catholic Emancipation and the Reform Acts, become mere matter of history.

The Union, though it altered the amount of representation, did not change the nature of the franchise, as it had been founded partly on statute and partly on confirmed custom. The voters for the Commons in counties were the freeholders. They required to have either a forty-shilling freehold, according to the ancient valuations which had been made to collect the feudal casualties of the Crown, or a freehold of £400 Scots of valued rent, according to a plan of general survey devised by Cromwell, and renewed after the Restoration, for the purpose of adjusting the incidence of the land-tax. At the time of the Union, this franchise, though narrow, was genuine; but afterwards a plan was devised of separating the superiority or freehold from the property, and partitioning it off in the exact portions which constituted the right to vote. Thus a man might be owner of a large estate without having a vote; while the franchise-right attached to it, divided into as many votes as its valued rent enumerated sums of £400, had become a commodity in the market, and was dispersed among several voters, who might be strangers.

The 67 burghs had adopted the practice of making their municipal councils electoral colleges. Of old they had been chosen by popular election of the burgesses, but each had gradually merged into a peculiar constitution, called its "Set." Though these sets varied, their character was generally restrictive,—the existing councillors choosing their successors, and office passing invariably through a certain circle of rotation. As some of the burghs decayed and became almost extinct, such public representative life as they possessed at the period of the Union died away.

Before separating, the Parliament had to divide the Equivalent money left at their disposal. A portion went to pay arrears of salary and other claims; and among these, considerably to the dissatisfaction of the nation, a sum was allowed for remunerating the commissioners of the treaty, as well as those who had begun the abortive treaty of 1702. The payment of the stockholders of the Darien Company carried off £232,884, being the amount of paid-up capital (£219,094), with interest down to the 11th of May 1707. The book in which this sum is distributed is still open to examination.<sup>1</sup> It shows that the operation must have been troublesome, from the amount to which the parties had answered the calls on them having varied. All who received compensation had of course paid the first instalment, which was 25 per cent, but the subsequent demands were unequally answered, and the compensation had to be graduated accordingly.<sup>2</sup> The

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<sup>1</sup> Among the Darien Books in the Advocates' Library, as already referred to.

<sup>2</sup> There has naturally been some interest in the question how William Paterson fared at this winding-up. At one time he was voted by the Company, as an acknowledgment of his services, two per cent on the subscriptions, and three per cent on the profits. He abandoned, as we have seen, all fixed claim on the Company, and we have no further account of reasons save that he preferred to throw in his lot with their success. On the profits there would have been nothing for him, but the percentage on the subscriptions would have amounted to £12,000. The legal claim on the Equivalent, however, was only to the holders of stock, and Paterson was not among these. Some one, however, seems to have thought of him in the pressure and

last-recorded division was taken upon the question, whether the sum should be handed over to the directors of the Company, or be paid to the shareholders by the commission for disposing of the Equivalent—and the latter alternative was carried. With these proceedings an Act was passed, which looks singularly out of place. It was for the encouragement of the growth of wool, by the compulsory use of woollen shrouds, and the prohibition of sepulture in any other textile fabric.

Such were the miscellaneous concluding labours of the old Scots Estates. On the 25th of March, the Commissioner delivered a brief concluding speech, assuring them that posterity would reap the benefit of their labours. They were then adjourned, and they never met again.

It was the design of the English statesmen, that, were it possible, the treaty should be carried through Parliament exactly as it came from Scotland,—and they succeeded. But the preparation for this achievement required much careful and anxious management. The alterations carried in the Scots Parliament were, as we have seen, consider-

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crisis of the final winding-up. On the 25th of March 1707, the minutes of the Estates bear: "It being moved to recommend Mr

Paterson to her majesty for his good service—after some reasoning it was put to the vote, Recommend him to her majesty or not, and it carried 'recommend.'"—Act. Parl., xi. 478. The mover, as it would seem, did not enter Paterson's Christian name, and the clerk did not know it. In the same volume we have Sir William Paterson, the Clerk of the Privy Council, and other Patersons designed in full. It appears that in 1713 a bill passed the Commons awarding him £18,000, but was lost in the Lords.—Bannister, Introduction, cxvii. The claim was revived in the first Hanover Parliament, and in the list of Private Acts we have "An Act for relieving William Paterson, Esquire, out of the Equivalent money for what is due to him." It would be satisfactory to have better evidence than there seems to be, of his having received the money so awarded to him. Paterson spent the evening of his life in London, where he died little noticed in 1719. There has been a suggestion that he has been commemorated in the 'Spectator' as the "Sir Andrew Freeport, a merchant of great eminence in the city of London," who occasionally discourses in an enlightened and generous spirit upon trade. This would be an interesting identification had we any but internal evidence for it; but in the mean time we are not entitled to deprive Addison of the conception of that character.

able. Some of them were suggested as supplying real deficiencies in the treaty, which might be proposed by either Parliament, but would of course be, for obvious reasons, best adjusted under the first parliamentary discussion. But while these alterations were in progress, the English statesmen, watching them narrowly, earnestly besought their Scots brethren to keep them within reasonable bounds, and see that they did not become so fundamental as to render counter-amendments necessary, or open discussion in England.<sup>1</sup> The great design was successfully achieved. Under the guidance of her statesmen England was magnanimous, as she could well afford to be, and Scotland had the pride of adjusting the measure to the very terms in which it was finally adopted.

Soon after the conclusion of the momentous session, the Commissioner departed for London, formally to place the Act of the Scots Estates in the hands of the queen. He was received as the ambassadors of great potentates were of old, by a solemn procession of the high officers of the realm, in coaches and on horseback, and in this fashion was conducted into London on the 16th of April.

Before the arrival of the Commissioner, the great question had crept into the Parliament of England. Daniel Finch, Earl of Nottingham, who was tolerated as an unsupported announcer of obsolete ideas, was heard in what the parliamentary history calls "a set speech," though it is but briefly and obscurely reported—it pointed at

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<sup>1</sup> Secretary Johnston wrote from London on the 31st of December: "You may, I think, depend on it, that the alterations you have hitherto made will not break the Union; but if you go on altering, it's like your alterations will be altered here, which will make a new session with you necessary; and in that case, no man knows what may happen." And again, on the 4th of January: "Your friend is going to the country for a few days, and bids me only tell you, that the Whigs are resolved to pass the Union here without making any alterations at all, to shun the necessity of a new session with you, provided you have been as reasonable in your alterations as you have been hitherto. It's true, many of the Commons say this is prescribing to them: why may not they make alterations, say they, as well as you? But in all probability this humour will be overruled."—Jerviswood Correspondence, 178, 179.



danger to the Church of England from proceedings elsewhere. On the 28th of January, the queen, in a solemn meeting with both Houses in the House of Lords, informed them that the treaty had been ratified in Scotland, and that she had directed it, with the Act of Ratification, to be laid before them. The address was brief and general, commenting, in terms too vague to excite controversy, on the advantages of a Union, and only descending to particulars in a recommendation to the Commons to provide the supplies necessary for the Equivalent.

As in Scotland, the adoption of an Act of Security was the first legislative step in the Parliament of England. It was passed on the 3d of February, with the title, "An Act for Securing the Church of England as by law established." It is inserted in the narrative part of the English ratification, immediately after the Scots Act. The leading clause of this measure was the sovereign's oath for the preservation of the Church of England, with sanctionary promises like those of the Scots Act, from which it differed in being administered, not at the accession, but the coronation.<sup>1</sup> This Act was the dying injunction of the Parliament of England to the Parliament of Great Britain, to preserve the Church. That the Establishment of mighty England should be deemed in any danger from the humble institutions of Scotland might seem a gratuitous and preposterous apprehension. But among very old men there were some still alive who had seen an army march southward under the banner of the Covenant, and cease not until the fabric of the English hierarchy was overthrown, and Presbytery erected in its stead. It was known that there still existed a remnant of such stern and uncompromising spirits, who held it to be their mission to pull down Prelacy; and if, by any strange turn of fortune, they should acquire a practically hostile position in England, the Dissenters would readily co-operate in their projects. It was remarked by the younger Calamy that this Act "was reckoned by the Dissenters to make their way

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<sup>1</sup> 5 Anne, c. 5.

the clearer, since it removed all hope of a reform in the constitution" of the English Church. Comprehensive as it was, it did not satisfy some High-Churchmen, who made, but lost, a motion, that it should specially embrace the Act of the 25th of Charles II., against Popish recusants, which had been found very efficacious both against "Papists and Dissenters;" and they recorded a protest against it, among the few adherents to which, the signature of Nottingham appears in company with those of four bishops.

On the following day, the Commons sat as a Committee of the whole House, to consider the Articles of Union, and the Act of Ratification by the Parliament of Scotland. They were not in the performance of their proper legislative functions, but were directed in their proceedings by what had then frequently become an impulse towards debate and inquiry, and is well known as a parliamentary practice of the present day—a question laid before Parliament by the Crown. The method in which this is accomplished is generally a message. On the present occasion, the importance of the object brought a visit from the queen in person. The articles were merely submitted to the general approval or disapproval of the House—it was not necessary that they should be severally rejected or passed like the clauses of a bill. The House proceeded with great rapidity. The subject was introduced on the 4th of February, and the Committee's report in favour of the articles was received and approved of on the 8th. There were some lively incidents in the debate, and a faint cry got up among the small band of impugners, of "Post-haste! post-haste!" Sir Thomas Lyttleton adopted the simile, and is reported to have said: "They do not ride post-haste, but a good easy trot; and for his part, as long as the weather was fair, the roads good, and the horses in heart, he was of opinion they ought to jog on, and not take up till it was night."<sup>1</sup> Two of the accepted wits of the House, Sir John Packington, and Colonel Mordaunt, had a passage at arms, calling from the one

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<sup>1</sup> Parl. Hist., vi. 561.

“that the Church of England being established *jure divino*, and the Scots pretending that their Kirk was also *jure divino*, he could not tell how two nations that clashed in so essential a point could unite.” While the opponent said, “He knew of no other *jure divino* than God Almighty’s permission ; in which sense it might be said that the Church of England and the Kirk of Scotland were both *jure divino*, because God Almighty had permitted that the first should prevail in England, and the other in Scotland.”

The resistance in the Commons was slight, owing to an expectation that there would be a subsequent opportunity of discussing the question,—a hope which, as we shall presently see, was dexterously baffled. A motion, that the first article, announcing the House’s concurrence in the principle of an incorporating union, should be postponed, being rejected by a large majority, a considerable portion of the Opposition seceded from the discussion ; and on the 8th of February the House received and ratified, without a division, the report of the committee, importing their approbation of all the articles.

The debate in the House of Lords commenced on the 15th of February, in a committee of the whole House, whose deliberations derived solemnity and dignity from the presence of the queen. On Bishop Burnet, a Scotsman, alighted the distinction of presiding over the august chamber of England’s nobility on this great occasion. In the decorous debates Lord Nottingham did not desert his usual character—he had objections purely original, which no one less minute in a search after difficulties through untrodden paths could have suggested ; he “excepted against the name of Great Britain,” alleging it was such an innovation on the monarchy as totally subverted all the laws of England, and therefore “moved that the judges’ opinion might be asked about it.” Many lords, who would not have discovered the objection, supported it ; and the judges were referred to, who “unanimously declared they could not conceive that it any ways altered or impaired the constitution of this realm, whose laws, they were of opinion, must remain entirely the same, as well

after as before the Union, except such as were altogether inconsistent with and directly contrary thereto."<sup>1</sup>

Some such casuistry about the unity of truth and its division into two Churches, as the Commons had started, might have been more perilous where the bishops were placed in the front to defend what had been done for the Church of Scotland. They were desired, if they had ceased to believe that the Church of England was the purest and most harmonious with Scripture that existed—to come forward and state their change of opinion. There were weighty considerations of material policy at work, however, not to be influenced by such flights of rhetoric, and a hint about serving the cause of the Jacobites would respond to it with destructive weight.

There were a few divisions; but, as in the Commons, the inequality of the contest was soon felt and acknowledged by tacit votes. The largest proportional minority was twenty-three against a majority of seventy; and this occurred on the adoption of that provision where the interest of England appeared to be distinctly sacrificed to that of Scotland—the adjustment of the land-tax. The debate died in the hands of Nottingham, who concluded his last warning cry about the coming fall of England with “a prayer to God to avert the dire effects which might probably ensue from such an incorporating union.”<sup>2</sup> So were the debates on this measure substantially closed.

The House was occupied in committee from the 15th to the 24th of February. Three days afterwards, Bishop Burnet reported the resolutions to the House, “which were agreed to by a great majority,” the proportion of which is not stated. Several protests were entered; some without, others with, reasons. The latter class referred to the unequal land-tax, and the raising of an equivalent in England, instead of fixing the debt of each country on its particular revenue.

And now all that remained to accomplish the greatest work of statesmanship of the age, was the passing of an Act of the English Parliament, making into a law that

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<sup>1</sup> Parl. Hist., vi. 562.

<sup>2</sup> Ibid., vi. 569.

which, as a treaty, had obtained their approval. The method in which this was accomplished, if not an effort of statesmanship, was one of the most dexterous efforts of statecraft hitherto performed. The Opposition, expecting that all the clauses would be re-debated, reserved much of their oratory from being wasted on a mere question of approval or disapproval, that it might serve the more important occasion of the final vote, which was to convert each article into a law. In a debate upon each of the several clauses, the Opposition, if they had little chance of gaining a victory, might at least prolong the campaign, and widen the source of chances in their favour. It is said to have been to the ingenuity of Harcourt, the Attorney-General, that Government were indebted for the parliamentary evolution which baffled these hopes. The Articles of Union were inserted in the preamble of the bill, where, along with the Acts made in the two Parliaments for the safety of the respective Churches, they were set forth in a narrative form, as transactions which had taken place, and which justified the provisions that were to follow. There were some clauses re-enacting the provisions for the settlement of the Churches, confirming the provisions of the Scots Parliament as to the election of peers, and settling other details ; but the main provision of the Act contracted the whole expanded surface of the measure, to which the enemies of the Union were opposed, into one brief clause, enacting the twenty-five articles of the treaty in the following terms :—

“That all and every the said Articles of Union, as ratified and approved by the said Act of Parliament of Scotland as aforesaid, and herein before particularly mentioned and inserted, and also the said Act of Parliament of Scotland for establishing the Protestant religion and Presbyterian Church government within that kingdom, intituled ‘Act for securing the Protestant religion and Presbyterian Church government,’ and every clause, matter, and thing in the said Articles and Act contained, shall be, and the said Articles and Act are hereby, for ever ratified, approved of, and confirmed.” Such was the one sentence, on the adoption or rejection of which the measure now depended.

The effect of this policy on the Opposition was such as when a general with a small force, having manœuvred to meet the superior army of his enemy in detachments, with a prospect of possible success, finds himself suddenly in front of the whole force, prepared for instantaneous battle. Burnet, with the faintest indication of exultation at the success of the tactic radiating through his narrative, tells us that this arrangement "put those upon great difficulty who had resolved to object to several articles, and to insist on demanding some alterations in them; for they could not come at any debate about them; they could not object to the recital, it being merely matter of fact; and they had not strength enough to oppose the general enacting clause, nor was it easy to come at particulars, and to offer provisos relating to them. The matter was carried on with such zeal, that it passed through the House of Commons before those who intended to oppose it had recovered themselves out of the surprise under which the form it was drawn in had put them. It did not stick long in the House of Lords, for all the articles had been copiously debated there for several days before the bill was sent up to them."<sup>1</sup>

The bill was ordered to be brought into the Commons on the 8th of February, and was sent up to the Lords on the 1st of March. There a rider, the fruit of the debate on the Act of Security, was proposed in these terms: "Provided always, that nothing in this ratification contained, shall be construed to extend to an approbation or acknowledgment of the truth of the Presbyterian way of worship, or allowing the religion of the Church of Scotland to be what it is styled, the true Protestant religion." On a second reading, the rider was thrown out by 55 to 19; and none conversant with the history of English legislation at that time, can fail to see how completely, in the struggle of which this was the expiring effort, the policy of the statesman overcame the religious zeal of the churchman; and how slight a chance the phraseology regarding the Presbyterian Church of Scotland would have

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<sup>1</sup> History of his own Time—anno 1707.

had of standing on the English statute-book, had it related to the Presbyterian Dissenters of England.

On the 6th of March, the queen came to the House of Lords, solemnly to give the royal assent to the Act of Union, and, by a few French words, to conclude and settle, with the unyielding rigidity of an English statute, that State project which had been the object of speculation and desire for a century, and had for some years past held at the utmost stretch of anxiety, and at the hardest intellectual labour, the chief statesmen of the day. The occasion was graced by a speech from the throne, rendered in a tone of quiet satisfaction that well became those who had brought so momentous a work to its completion: "I consider this Union as a matter of the greatest importance to the wealth, strength, and safety of the whole island; and, at the same time, as a work of so much difficulty and nicety in its own nature, that, till now, all attempts which have been made towards it, in the course of above a hundred years, have proved ineffectual; and therefore I make no doubt but it will be remembered and spoke of hereafter to the honour of those who have been instrumental in bringing it to such a happy conclusion. I desire and expect from all my subjects to both nations, that from henceforth they act with all public respect and kindness to one another, that so it may appear to all the world they have hearts disposed to become one people. This will be a great pleasure to me, and will make us all quickly sensible of the good effects of this Union."<sup>1</sup>

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<sup>1</sup> Parl. Hist., vi. 576.

## CHAPTER LXXXVIII.

## QUEEN ANNE.

**FRENCH DESCENT—TOO LATE—ITS FATE—NEGOTIATIONS—IMMEDIATE WORKING OF THE UNION—DISPUTES ABOUT CUSTOMS DUTIES—THE NEW REVENUE SYSTEM IN SCOTLAND—SUPPLEMENTARY EXTENSION OF ENGLISH INSTITUTIONS TO SCOTLAND IN THE COURT OF EXCHEQUER—JUSTICES OF PEACE AND TREASON LAWS—ABOLITION OF SCOTS PRIVY COUNCIL—PARLIAMENT AND THE SCOTS MEMBERS—ENGLISH REVENUE OFFICERS BRING OVER THE PRAYER-BOOK—THE EPISCOPALIANS AND JACOBITISM—THE ACT OF TOLERATION—THE ABJURATION OATH—THE NONJURORS AMONG EPISCOPALIANS AND THE NONS AMONG PRESBYTERIANS—THE ACT RESTORING PATRONAGE—THE COVENANTERS AGAIN—JACOBITE PROSPECTS—DEATH OF QUEEN ANNE.**

WITHIN a year after the Union had been completed, an invading force from France was seen from the coast of Scotland. That it should arrive before the end of the critical discussion was the hope and prayer of the Jacobites, as it was to the promoters of the Union an object of anxiety and of occasional alarm.<sup>1</sup> As it came to nothing, its history domestic and foreign may be told briefly. In March 1707, Colonel Hooke, a Jacobite refugee in the French service, arrived at Slains Castle, the seat of the Earl of Errol, in Aberdeenshire. He was an ambassador or commissioner from the Court of France, to negotiate with the friends of the Jacobite cause, and report on their strength and willingness to act.<sup>2</sup> His reports, so far as they were general and indefinite, were

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<sup>1</sup> Jerviswood Correspondence, 174.

<sup>2</sup> The Secret History of Colonel Hooke's Negotiations in Scotland in favour of the Pretender, &c., 1760. 8vo.



satisfactory. England was unfortified and destitute of troops. The strength of the army was engaged in the Continental wars. Some said ten thousand troops would be required from France, while others thought half that number might suffice. Money and arms were of course demanded in abundance. To stimulate French generosity, it was represented that the Scots people, from the Catholic Jacobites to the most rigid Cameronians, were to a man zealous against the Union and for the restoration of their lawful king. The Scots Jacobites engaged thus to raise an army of 25,000 foot and 5000 horse and dragoons. They would receive succours from Ireland, and would be joined by the English as they marched southward to the capture of London. Their first project, after having restored the legitimate Government and settled Scotland, was to seize the coal-mining districts of England, and have the command of the fuel of the south. As a preliminary condition, the exiled king must land in his ancient kingdom, bringing with him the necessary supplies, with the stipulated French force to act as a body-guard and overawe the country, while the army of 30,000 men was embodying itself.

When he came to specific undertakings, however, Hooke's report can scarcely have been satisfactory. He made out a considerable list of peers and lairds, in whose good affection he felt secure; but his list would have raised doubts in any one acquainted with the country. Lord Errol with whom he lived, his neighbour the Duke of Gordon, Lord Panmure the head of the Drummonds, and Lord Saltoun, seem to have given their adherence heartily. Of the others, many seemed more anxious to know each other's motions than to commit themselves; and several represented their professed partisans as persons not to be trusted. The wily old Marquis of Breadalbane was full of earnest inquiry about the intentions of his neighbours, and profuse in private verbal declarations of strong attachment, but he would put his name to no document. The Duke of Athole was ill at the most critical moment; and when the obsequious ambassador thought the importance of his mission justified him in urg-

ing a visit on the sick man, he received a friendly warning that his grace's brother-in-law, Lord Yester, a Government man, and son of the Marquis of Tweeddale, was with him, and the emissary would only compromise his own safety by presenting himself. Indeed the number of the hardy Scots gentry whom Hooke found then disabled by illness, is very remarkable. Lord Kilsyth, in eloquence that dissolved itself in tears, told how he was entirely attached to the Duke of Hamilton, and would follow him in whatever course he adopted. The duke himself excelled all his previous efforts in mysterious adroitness. Hooke's devices to obtain an audience, and the agility with which they are invariably defeated, run a thread of dramatic humour through his dull reports. The duke's secretary or confessor, Hall, was voluble enough; but he had no right to commit the duke, and his grace would neither give an oral nor a written testimony. An incoherent and lengthy document, it is true, professes to record his sentiments, but it was not signed by him; it was written in cipher, but not by his own hand—it was not addressed to any one—and it was full of ingenious diversities of the personal pronouns, evidently intended to disturb any internal track that might lead to the identity of the writer. It was distinct only in one feature—in a recommendation to the exile not to venture on the proposed enterprise unless he came in strength.<sup>1</sup>

Lockhart of Carnwath, and the other clever debating Jacobites who had not hidden themselves in their estates, but kept converse with the contemporary world, were extremely annoyed by this mission; and found reasons, in the folly and conceit of Hooke, and the arrogance of the country lairds who professed to compromise a party, for discouraging the project. The Jacobitism of the Lockhart party had already assumed a parliamentary character.

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<sup>1</sup> "But I am of opinion that all the desire of pleasing the zeal or the circumstances of some may induce them to do, no thinking man will demand less than 15,000 men. . . . If you come, come strong, otherwise you will not make up an army; and this will not only encourage your enemies, but will also be the cause that those who will have joined you will forsake you."—P. 103.

It was a means of union for carrying and defeating measures ; but it was no political religion, to be borne through bad report as well as good, and to call for the fondest devotion when it brought its followers nearest to danger and farthest from hope. How they might have acted had a foreign army landed, or had the Highlanders marched southward in force, would have depended on the aspect of affairs ; but they were clear that to ask them to commit themselves, at such a juncture, in open adherence to the exiled house, was very unreasonable.<sup>1</sup>

Hooke held out great hopes in another and very different quarter. The Cameronians were resolved, it was said, not to submit to the Union. What James Stewart might do was in the womb of futurity,—the Lord might turn his heart from idolatry to the true faith ; but this countenancing of Prelacy, and submitting to latitudinarianism, was a distinct present wickedness, against which they were ready to draw the sword. Hooke said he had arranged with Ker of Kersland, a person with whom we have already made acquaintance, to bring them out to the number of five thousand, and he doubted not that they would be joined by eight thousand of the more moderate Presbyterians. The Cameronians had their own arms : all that they desired from the stranger was a supply of powder.<sup>2</sup> Ker, in his curious confession, states that he no sooner began the negotiation than he reported it to the Duke of Queensberry, who recommended him, as a good patriot, to join the plot, and give information of its progress. He complains that he “had a difficult game to play, and many things to do of so tender a nature that they were to be very delicately touched ;” and believed that he could not have had moral courage and perseverance enough to play his part had he not been supported by the casuistry of a clergyman of his own persuasion, “a man of great learning and seeming piety.”<sup>3</sup>

Ker recommended that in the prince's manifesto he

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<sup>1</sup> See Hooke and his proceedings well abused in the Lockhart Papers, i. 231.

<sup>2</sup> Hooke, 43.

<sup>3</sup> Memoirs, i. 48.

should admit his present state of Popery, and profess that he would "cheerfully give ear to Protestant divines, and if they could convince him of an error from the Word of God, he would be glad to embrace the religion of his people,"<sup>1</sup>—a judicious appeal to men who were far from being diffident of their persuasive powers. Ker was admitted to the cipher in which the Jacobites corresponded with France, and sent a copy of it presently to his employers. He was next confidentially informed of a design to seize the Castle of Edinburgh,—a promising speculation, and worthy of considerable risk, since the treasure for paying the Equivalent was under the protection of its slender garrison. A hundred men were to be hidden in a house near the head of the High Street. In the esplanade, which was a fashionable promenade, some of the conspirators were to mix with the throng. One was to desire to be admitted as a visitor to an officer of the garrison, and, as the drawbridge was lowered for him, he was to shoot the sentinel; and on this, as a signal, his friends were to rush forward. Ker had to complain that his revelations did not meet with all the respect they deserved: they were probably sometimes anticipated by nimbler spies. Burdened with so momentous a secret as the proposed capture of the castle, he posted to London, and had a private interview with Queensberry.<sup>2</sup> In the end he stipulated that, should there be a descent, the Cameronians were to take part with the Government. We have his own authority, certainly not the best, that the Government agreed to pay some arrears due to the Cameronians who had served abroad, and to make other pecuniary advances to the body, which were never realised. Their claims, whatever they were, seem to have at

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<sup>1</sup> Memoirs, i. 46.

<sup>2</sup> This visit was nearly fatal to his reputation and influence. A Scots Jacobite in London saw him "come out of a certain house in St James's Square." Ker, knowing that the phenomenon would be immediately intimated to his friends, posted north so rapidly that he attended a party at the Duchess of Gordon's house, in the High Street, before the letter containing the information reached Edinburgh, and thus he established an *alibi*.

first been interrupted by official delays, and then to have been baffled by the accession of the Tory Government of 1710.

After the victory of Almanza, and the other successes of the Duke of Berwick in Spain, Louis XIV. thought he might attempt that descent on the coast of Britain for which the better opportunity had been allowed to pass. A naval armament with transports was fitted out, under the command of Admiral Fourbin, at the port of Dunkirk. The Jacobites hoped that Marlborough's great rival and relation, the Duke of Berwick, would have commanded the land forces. Instead of him, a more precious but less serviceable freight was confided to the expedition in his brother, the Jacobite king. As a youth of twenty years old, he had hardly lived long enough to show his friends the extremely limited extent of his capacity. It was one of those impulsive acts for which Louis XIV. acquired a chivalrous reputation, that, standing by the death-bed of the exiled bigot, he promised, as a monarch, to acknowledge the son as successor to the British throne. But the promise made with a thoughtless generosity, in which the fate of Europe was subsidiary to a courteous act and a kind word to a dying man, was kept more in the letter than the spirit. Louis befriended the youth precisely to the extent to which he could make him useful for his own ambitious projects ; and it would be well were his memory stained with no deeper blot than a reluctance to undertake Quixotic invasions of Britain. The present descent was avowedly in fulfilment of the promise to the young prince : it was in reality destined by the King of France to call Marlborough away from his own door.

The expedition consisted of five men-of-war, two transports, and twenty-one frigates. The land force is said to have been 5000 ; but only about 4000 were taken to sea—some of the frigates, in which men were dispersed, having been driven back. When the preparations at Dunkirk were begun in January, their progress was carefully noted by the well-informed British Government ; and before the French were ready, sixteen men-of-war, under Sir George Byng, were cruising to intercept them. Having slipped

out unperceived, the French fleet lay windbound at a place called Newport Pitts. There they were seen from the steeples of Ostend, and the English admiral informed of their position. It appears, however, that the necessity of the wind required him to remain at a place called Gravelin Pitts, so far to the southwards as to give the French eight hours clear headway, should they both start northwards.<sup>1</sup> They had the farther advantage of catching the ebb of the tide; and having their clear destination before them, the Firth of Forth, they stretched out to sea, while the English fleet, not knowing where their services might be necessary, hugged the shore, and thus increased the advantage already gained by the French. They first sighted the land at Montrose. Thus they had overshot their mark, but they might have disembarked their force had they really desired to do so. Turning southwards to the Firth of Forth, they lost the tide, and had to anchor under the Isle of May. Here, on the morning of the 14th of March, the man at the mast-head announced the approach of the English fleet. Fourbin cut his cables and made all sail northwards. One vessel, the Salisbury, which had been a capture from England, having sailed a little way up the Firth, was taken; but the others escaped almost untouched, and were seen to clear Buchan Ness, and enter the open sea. Byng returned to the Firth of Forth, and remained there till the relanding of the expedition in France was announced.

When rumours passed through Edinburgh that the tall masts of the French fleet might be seen against the sky beside the Isle of May, the disaffected assumed a presumptuous and exulting deportment, which touched their opponents with a mingled sense of indignation and apprehension. The Jacobites were excited and expectant, but they were deficient in solid preparation. The Duke of Hamilton, still considered the head of their cause, was true to his old dubious policy. One who went to convey to him what he thought the first intelligence of the pro-

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<sup>1</sup> So Defoe says on nautical authority.—Hist. of the Union, 5.

posed expedition, found him at Murray of Stanhope's house, near the Border—so far on his way to England. When his friends spoke about his immediate return, as a matter of course, he told them that, all things considered, he had better go on ; a sudden alteration in his intentions might excite suspicion, and betray the cause. He would wait anxiously for news of the expedition, and when he heard of its arrival, would instantly return. Taking up his abode in his English estate at Ashton, in Lancashire, he found himself fortunately in the custody of a king's messenger when the news of the sailing of the expedition reached him. Thus prevented from returning, he assured his friends, that had the more eventful crisis of the landing occurred, he would have broken his guard, and forced his way back to place himself at their head ; but few of them believed him. It was, perhaps, rather with the design of probing the amount of home co-operation with the French invasion, than with the serious object of doing justice upon traitors, that some gentlemen were put on trial. It was found that there was nothing in their conduct so conspicuously different from the usual practice of going about with a few armed servants, and holding convivial assemblages, as to entitle the jury to convict them, so that a verdict of "not proven" was found.

In Parliament, where congratulatory addresses naturally followed such a release, the opportunity was taken for striking a blow at the rising influence of that new Tory party which, without professing Jacobitism, was known to have a dangerous leaning to the exiled house, if not an actual understanding with it. Her majesty was told that the attempt could not have been made but for encouragement at home ; and was exhorted, in future, not to suffer those to have access to her royal person who, at the time "when this hellish attempt was afoot, and near breaking out," were endeavouring to misrepresent the actions and conduct of her faithful servants. The occasion gave a temporary triumph to the constitutional party. The queen twice used the word "Revolution," as expressing the conditions of the settlement of the throne—a term which

she had been taught to avoid, and personally disliked.<sup>1</sup> But with the fear of invasion, and the alarm created by the discovery of the treasonable correspondence of Harley's assistant secretary with France, the reaction in favour of the Whigs passed away.

It is now time to look at the manner in which the two States began to live together in union. Some unlucky opportunities of mischief not foreseen and obviated by the Union statesmen, touched the nervousness in England about the prospects of the great national trading interests. When the conclusion of the Union had become a pretty sure event, commodities were purchased by capitalists of both countries, and brought into Scotland under the small duties, that after the 1st of May they might be carried across the Border and sold in England. They were even brought in under duty ; for the farmers of the revenue in Scotland, seeing that their contracts had but a short time to live, found it their interest to submit to deductions and evasions so as to increase the quantity of commodities passing through their toll. If these projects were dubiously within the character of honest mercantile dealing, some others, to which Englishmen had recourse, were certainly beyond it ; as, for instance, where tobacco, carrying a bounty on exportation, was sent to Scotland before the 1st of May, that, after drawing the bounty, it might be conveyed back and sold in England. English commercial interests being strong in the Lower House, it was resolved there to apply a remedy after the treaty was passed. A bill on this principle was passed by the Commons and sent to the Lords, where it was thrown out ; "but," in the words of a rising statesman, "the Commons were stubborn, and sent them the same bill again."<sup>2</sup> It was seen that any such attempt was, though it did not profess to interfere with the genuine property and transactions of Scotsmen, a dangerous tampering with the Union, and its progress was baffled by a prorogation.

But these disputes were only the antecedents of others

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<sup>1</sup> Parl. Hist., vi. 729 ; Tindal.

<sup>2</sup> Robert to Horace Walpole ; Coxe, ii. 8.



more serious. After the 1st of May, the vessels laden with foreign goods, which were to be introduced as Scots merchandise, sailed up the Thames. Defoe says, that there was in one fleet forty vessels, chiefly laden with French wine and brandy—articles which, however acceptable to the people of England in detail, have ever been made war on in the mass.<sup>1</sup> This virtual inroad of foreign high-customed goods evading the duty, exasperated the fair-trading English merchants. The Board of Customs took up their cause, and the vessels with their cargoes were seized, on the plea that they were not a fair importation of goods from Scotland under the new rule which opened the trade between the two countries, but were virtually merchandise smuggled from abroad under the shadow of the treaty. The operation of seizure, when once decided on, was performed with English strictness and triumphant harshness. The officers of the vessels were treated as criminals. The goods, it was said, could not be put in safe keeping to await consideration on the question of their legality, like the imports of a fair trader, when there was a question about the amount of duty. The ground of their seizure was that they were smuggled goods, and they were treated accordingly, until the higher powers interposed for their protection.

Scotland was on fire again, and the old days of the seizure of the Annandale were revived by conduct which seemed evidence of England's haughty determination to trample the treaty in the dust, when it interfered with her interest or her capricious will. Angry protestations poured in upon the Government; and the Jacobites, particularly anxious at that moment, for obvious reasons, to excite a quarrel, were exultingly busy. Unfortunately for the temper of England, it was one of those periods of depression which turn the enterprising merchant savage, and prompt him to fly at every person and every measure that he can, by any ingenuity, associate with his misfortunes. The matter was reserved for the opening of Parliament. It was there felt, that to push forfeitures or

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<sup>1</sup> P. 572.

penalties in relation to the goods, would again endanger the peace with Scotland ; while it was seen that the scheme could not be repeated, and must, at the worst, end in a small loss of revenue. On a vote of the House of Commons, it was resolved to abide by the loss, and remit the duties on the imports.

But cause of enmity still more formidable passed across to Scotland itself, where the Englishman showed his least amiable characteristics. To manage the revenue new commissioners of excise and customs were appointed, consisting, in a great measure, of Englishmen.<sup>1</sup> They were followed by subordinate officers trained in the English method of realising the duties, whose distribution through the country afforded opportunities for saying that a swarm of harpies had been let loose on the devoted land, to suck its blood and fatten on the spoils of the oppressed people. The commissioner and surveyor went about amid the same atmosphere of odium as the publican of old. The national character of the Englishman of the period was not the best adapted for such delicate operations. Honest he was and faithful to his duties,—only too faithful,—for he followed the traditions of his “department” as the only rules, whether of morality or policy, that were known to mankind, and whatever jostled them was to be suppressed as the work of knaves or fools.

These characteristics were, in Scotland, thrown among unhappily aggravating conditions. The taxes were greatly increased—an irritating incident in any circumstances, for which the present exponders would not readily take in compensation the prospects of future national prosperity. There were disputed readings on measurements, which the English officers always settled in their own way, deeming the method to which they had been trained the only one that was right and could be tolerated. Their system of gauging and admeasurement was new and irritating to a people who, in the practice of farmed duties, were un-

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<sup>1</sup> Lockhart says, “They consisted partly of English and partly of Scotsmen,—*though these latter had no pretensions to entitle them to that name, save their being born in that country.*”—Papers, i. 223.

accustomed to it. Some pamphleteers had told the Scots that they would be less rigidly dealt with by the stipendiary officers than by the farmers, but this was a mistake. A farmer-general was not that term of terror in Scotland which it came to be in France in the days of Voltaire. The lessees of the taxes seem to have followed a policy of "live and let live," and to have found their interest in conventional relaxations, which tended not only to make their duties easy and agreeable, but to afford a certain free play to the consumption of taxed commodities.

Some of the English innovations in the revenue system neutralised indignation by the ridicule they excited. A large cargo of birch fagots, oddly notched, were conveyed to Edinburgh with state pomp and mystery; and the citizens were hard to persuade that they were not addressed in irony, when told that these were tallies for recording the receipt of moneys into the national exchequer. They were indeed the same primitive symbols which were used in England until the year 1834, when, from their incrimination, the two Houses of Parliament were burned down.

The irritation produced by the new taxation system at its commencement, was helped and enhanced by a delay in the transmission of the Equivalent, which a hot and hasty people readily suspected to indicate that it never was to be paid.<sup>1</sup> Nor was satisfaction entirely restored, when, on the transmission of the money, it was found not to be entirely in bullion, but to consist, to the extent of nearly two-thirds, in exchequer bills. This cause of wrath was temporary; but the taxation system fixed a sore on the community not to be eradicated ere they rose in wealth and prosperity, so as, with allowance for the difference of

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<sup>1</sup> According to Defoe, while the absence of the money created much sharp comment, it did not, when it came, receive the proverbially hearty welcome of long-expected remittances. "The money came to Edinburgh in twelve wagons, guarded by a party of Scots dragoons, and was carried directly to the castle. If I omit to enter into the details of the reproaches and railings at the poor innocent people that brought it—nay, at the very horses that drew the carriages—it is because it was a folly below reproof, and rather deserves pity."

population, to measure affluence with England. The same duties which, in England, it was more economical to pay than to evade with pecuniary and personal risk, were in Scotland an ample reward to the smuggler. It was noticed that, soon after they began to be leviable, a whole fleet of Dutch luggers arrived in Scotland with cargoes of contraband goods. Thus was commenced that national vice of smuggling, of which we shall afterwards have to behold the evil fruits, as they came to maturity, not only in occasional dishonesty and violence, but in a deep permanent influence on the national character.

The new revenue system came entwined with other innovations, which were unfortunate, because they were of English origin, and were brought over at a time when everything from England was liable to suspicion. It was necessary for the collection of the revenue to scatter local courts, or, more properly speaking, local executors of the law, through the country. The hereditary or seignorial jurisdictions were numerous and formidable; but they were not in the exact places to which the exigencies of the revenue pointed. There were Lords of Regality and of Barony in abundance; but they did not happen to be conveniently at hand where natural harbours favoured the runners of tobacco and brandy. The power of the Scots territorial aristocracy had its exercise in those hereditary courts; that of the English was, by a wiser system, immediately dependent on the Crown, in the system of Justices of Peace. There had, before the Union, been attempts by the Scots Parliament to create a justice of peace system resembling the English; but they had failed, the project being imitative, and not according to the habits and needs of the people. To meet the exigencies of the new system of taxation, the statutory powers were revived, and the Scots Privy Council issued a commission of the peace. It was, of course, modified to the law and customs of Scotland, and therefore entirely unadapted to the habits and prepossessions of the English officers of excise and customs. It was a foreign instrument, of which they could make no use; and, with an imprudent haste which brought melancholy consequences, it was resolved, since the tax-

gatherers could not bend themselves to the institutions of the country, to twist the institutions to the tax-gatherers' convenience. The obdurate rigidity of the English legal and official practice thus justified much that had been predicted by the enemies of the Union, disgusted many of its friends, and gave too much ground for complaints of substantial injustice. The revenue department lost no time in demanding that the Scots justices of the peace should be made fac-similes of the English. An Act of Parliament was passed for the purpose, and a commission from the Lord Chancellor promptly issued under the Great Seal. Nothing could seem more studiously offensive to Scots pride and prejudices than its very commencement, heading the list of justices of peace for each county in Scotland with "the most reverend father in Christ, and our faithful counsellor, Thomas, Archbishop of Canterbury, Primate of all England, and Metropolitan thereof." The old Scots commission was a brief document, intelligible to the people—the English was a cumbrous heap of old-established technicalities, to which the sages of the law at Westminster Hall had long attributed conventional meaning.<sup>1</sup>

The Act by which this novel institution was created, made another and more important change, of the advantage of which there can be no doubt, however opinions may differ about its abruptness, or any other immediate

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<sup>1</sup> Practice, adapting the actual authority of the justices of peace in Scotland to the law of the country, has made it totally different from the terms of the commission, which, when the Scots justice happens by chance to read it, is apt to startle him with the enumeration of powers which he never was conscious of possessing. One may imagine the astonishment of the country gentlemen when they found themselves, in conjunction with the Archbishop of Canterbury, &c., authorised to act, "concerning all and whatsoever felonies or capital crimes, witchcrafts, enchantments, magical arts, sorceries, transgressions, forestallings, regratings, ingrossings, and extortions whatsoever." The only expression introduced with a peculiar reference to Scotland, was not calculated to please all classes of the country; it was directed against those who "shall either go or ride armed in conventicles contrary to our peace." On the system as the Union found it, see 'The Duties and Powers of Justices of Peace in this part of Great Britain called Scotland,' by William Forbes, Advocate, 1707.

prudential consideration. English statesmen found with something like alarm, that in "the Privy Council," or "the Secret Council," as it had of old been called, Scotland had an all-powerful corporation, with mixed duties, judicial and executive. It had found versatile employment for its powers. In the reign of Charles I. it had thwarted and baffled the Crown. In the reigns of his two sons, it had done all the cruel work that the unhappy political conditions of the period demanded or permitted. In its judicial acts this body was not restrained by the rules and formalities appropriate to a court of justice; and in its executive acts it was free of that responsibility to the Crown, and ultimately to Parliament, to which cabinet ministers were becoming susceptible in England. Above all, it was a separate executive, not under the cabinet of the United Kingdom. It was swept away, and the new justices of peace were created, in a statute which, as if it were to supply something which had been accidentally omitted in the Treaty of Union, was called—"An Act for rendering the Union of the two Kingdoms more entire and complete."<sup>1</sup>

No Scotsman with a sense of justice and civil liberty could lament the fall of the Scots Secret Council; yet the method in which it was swept away partook so much of the insulting spirit of the other changes following the Union, that it was put down on the debit side of the account with England. What rendered it by no means less alarming was, that it was carried on popular grounds by an opposition in the House of Commons against the efforts of the Government. It seemed thus as if the innate domineering spirit of the English legislature could not be restrained, but must run riot in the demolition of the national institutions of Scotland. The bill was brought into the Commons by the independent Whigs, indignant that so inquisitorial an institution should exist in the country; and they were joined by the Tory Opposition, glad of an opportunity of baffling the ministry, who had many reasons for keeping up so powerful an instrument of

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<sup>1</sup> 6 Anne, c. 5.

local influence in Scotland: but the united opposition greatly preponderating in the Commons, swept onward the impetus of its success into the Lords, where the bill was carried, though by a majority of only five.<sup>1</sup>

The establishment of a Court of Exchequer in Scotland, on the English principle, was not received as a formidable innovation. No doubt it extended to Scotland the English prerogative law for the collection of debts due to the Crown. But Scotland had found it necessary to establish cumbrous regulations for that purpose, and it was admitted that if taxes were legal dues, there should be power to collect them. The creation of a new tribunal in Edinburgh tended in some measure to pacify alarming anticipations that all public offices were to be gradually centralised in London.<sup>2</sup> This Court did not transact miscellaneous law business like the plea side of the English Exchequer. In looking after the feudal interests of the Crown, however, it found its way to some judicial services in the adjustments of the feudal rights of landowners. It amused the Edinburgh of the day by the importation of certain pomps of equipment and parade, and by novelties in jargon, such as the mysterious "Oyes three times repeated."<sup>3</sup>

Nor could there be any solid complaint against an arrangement for holding criminal circuit courts throughout the country—a manifest improvement on the administration of justice, rendered the more necessary by the

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<sup>1</sup> Parl. Hist., vi. 667 ; ii. 473. There are some very instructive though fragmentary remarks on the constitutional tendency of such a Privy Council as Scotland had, in the notes on Lord Somers's speech on this occasion, in Hardwick's State Papers, ii. 473.

<sup>2</sup> 6 Anne, c. 25.

<sup>3</sup> See 'Historical View of the Forms and Powers of the Court of Exchequer in Scotland,' by Baron Sir John Clark, Bart., and Mr Baron Scrope, 1820. This rather unattractive dissertation is enlivened by the following curious information about the value of custom-house oaths: "When witnesses appear in Court, those for the plaintiff are first examined on oath, to be taken conform to the English or Scots form. The last is sometimes required, as what some people fancy more solemn; and especially if the first be profanely considered by the witness only as a custom-house oath, as is but too frequently the case."—P. 132. The Court was prospectively abolished in 1832, and provision made for its duties by the staff of the Court of Session.

abolition of the Privy Council. But a revolution of the law of treason, effected in the succeeding session, touched a more sensitive nerve of national feeling. When the laws and local institutions of Scotland were left sacred by the Treaty of Union, it probably had not been foreseen how far they might affect England. If the law for the punishment of ordinary crimes might, perhaps, be safely left, as the Scots in their ignorance desired to have it, this would do little injury beyond the Border. But if the law for the punishment of State offences were ineffective, the peace of England might suffer ; and that it was ineffective, was decided at once by the English lawyers, since it was different from the law of England. The trials following the attempted descent had just taken place. The law statesmen of Westminster Hall saw that they were conducted in a jargon not of their own kind—they saw that they did not lead to convictions—and thus everything concurred to drive them to the belief that England was unsafe beside the treason law of Scotland. An Act was passed to remedy the defect, and it could not have been accomplished in a manner better calculated to aggravate the growing jealousy of the Scots. The measure contained no definition of high treason in Scotland, farther than by prescribing, in general terms, that what was law in England should be law there. The authority of the old Court of Justiciary was superseded, and the English method by commission of Oyer and Terminer prescribed.<sup>1</sup> The bill was resisted by the Scots members almost unanimously ; and it does not appear to have had the professional assistance of Scots lawyers in its preparation, for its technicalities were English, and in attempts to describe Scots institutions it made a blundering application of English terms, which increased the disgust of the moment, and left a legacy of technical dubiety to be settled by future forensic discussion. It seemed as if the scornful prophecies of the indignant Belhaven were now indeed rapidly marching on to their fulfilment.<sup>2</sup>

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<sup>1</sup> 7 Anne, c. 20.

<sup>2</sup> "I think I see our learned judges, laying aside the practiques



It was useless to tell the people of Scotland that the sages of the law had, by a course of judgments and opinions going back through centuries, reared up a fabric of practical law on this head, very advantageous to a fair trial and to the liberty of the subject, which might incur a risk of injury in any attempt to remove it from its indigenous position in the case-books, and adapt it for transplantation into the statute-book. It was useless at that time to tell them, what they took nearly a century to discover in practice, that the strict application which lawyers had given to the English treason law, if it could not be distinctly set forth in theory, was of eminent advantage to the subject in practice. Perhaps no nation would have readily admitted the concealed beauties of a foreign state law, admitted to be so intricate and obscure that its adherents did not profess themselves able to give a lucid view of its character, and could not trust themselves with the task of laying it down specifically in a statute. There have been few instances, certainly, in which national patience has been so severely tested.

The opposition of the Scots members to this measure was so resolute and unanimous, that, in the battles through committee, it was at one moment abandoned by its supporters, who, however, resumed possession of it, and forced it through.<sup>1</sup> Yet the Opposition were strong enough to carry a significant amendment, which was all the more encouraging to the Opposition that it was satis-

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and decisions, studying the common law of England, gravelled with *certioraris*, *nisi priuses*, writs of error, verdicts indonar, *ejectione firma*, injunctions, demurrers, &c.; and frightened with appeals and advocations, because of the new regulations and rectifications which they may meet with." In a protest against the Treason Bill, signed by all the Scots and a few English lords, one of the reasons is: "The preamble of this bill may happen to give unnecessary grounds of suspicion to mistaken people, that there is a tendency towards a total alteration of the laws of Scotland, which cannot but create great uneasiness to that people, who rested in a confidence that their private laws were reserved to them by the articles of the Union, so as not to be altered without the evident utility of the people of Scotland."

<sup>1</sup> Parl. Hist., vi. 797.

factory to a considerable portion of the Scots landowners. It greatly limited the peculiarly English law of corruption of blood, taking heirs of entail out of its rule of forfeiture, and providing that, after a certain contingency, forfeitures should go no farther than the traitor's life-interest in the estate. The contingency when this relaxation of the old-established English treason code was to take place, was the death of the Pretender. The Opposition obtained, too, before the measure was carried, a partial adoption of the Scots arrangements for informing the accused of the testimony to be brought against him.

If the Scots were made angry by the result of this dispute, it yet, in some measure, taught them their power. The social conduct of their fellow-Commoners tended to isolate them. It was a time when sharp and telling personal allusions went farther in the House than high eloquence or well-knit dialectic controversy; and without descending to rudeness, the polished contemporaries of Wharton and St John could madden the sensitive and haughty Scots by light shafts of raillery about their pronunciation or knowledge of parliamentary etiquette. But if the proceedings, grave and gay, of the new arena in which they were placed, taught them sullen alienation, it drove them also on that national instinct of combination and steady mutual support, which has sometimes constituted the reproach, but has more frequently been the envied glory and strength, of the national character. Acting as a compact and organised body, they made themselves felt in the peculiar tactics of the British Parliament. Thus a certain Sir Harry Duttoncolt having sneered at the Scots, was marked for punishment; and having to fight a close controverted election, the Scots brigade sent their whole compact weight into the opposite scale and threw him out.<sup>1</sup> This was a small triumph by itself; but it discovered a tactic likely to become formidable when more momentous occasions might come for its exercise. They found this opportunity in some questions as to restrictions and bounties on the expor-

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<sup>1</sup> Lockhart Papers, i. 217.

tation of manufactures and coal, and had to boast that, by judicious manœuvres, they had served the pecuniary and trading interest of Scotland. They stuck fast to the bargain for spending within Scotland the proportion of the new taxation, corresponding to that which, in England, went to pay debt, and acquired a reputation for securing to their country at least the full benefit to which she was equitably entitled.<sup>1</sup> Even from the negligence of English members as to the local affairs of the north they gathered strength. In their persevering attendance and steady co-operation they had sometimes the votes of the House at their command ; and under the aspect of being left alone to the management of their own national business, they took care that it should be transacted greatly to the national advantage.

The year 1710 saw a great revolution at Court. It broke the domineering influence of Sarah Jennings, stopped the victorious career of her husband Marlborough, and drove the Whigs from power. At the same time it was the first event that, after the Union settlement was completed, left its mark on the destinies of Scotland. The Presbyterian establishment had been broadening and strengthening itself, gradually drawing from those who inclined towards Episcopacy, all who were not zealots in religion and Jacobites in politics. In the anxious period between the first rumour of Fourbin's expedition and its return to Dunkirk, a flock of Episcopal clergymen were prosecuted in Edinburgh, for officiating without the qualification of the oaths, and evading the injunction to pray for the queen and the Princess Sophia. They had done nothing ostensibly hostile, and maintained that they prayed for the whole royal family ; but it was perfectly well known what was meant in this equivocation. The proceedings against them, however, were of the gentle kind which gives a friendly admonition ; and the failure of the expedition saved them from incurring more serious danger.

What was done against them was by the Crown on purely political grounds. Queen Anne and her servants

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<sup>1</sup> See the Lockhart Papers, i. 326 & seq.

had every motive for countenancing the Scots Episcopalians, would they but be tractable. Shortly after the Union, however, their clergy were subjected to prosecutions which did not proceed from the Crown, but from the Established Church, municipal corporations, and zealous citizens. The official changes following the Union brought a few English families to Scotland, who were desirous of attending Episcopal service after the forms to which they had been accustomed. It occurred to them—and was a view naturally advocated by their friends, the Scots Episcopalians—that as the kingdoms were one, the person who was an ordained and legal clergyman in any one part, carried his merely clerical privileges into the other. He could not, of course, hold the benefices which were part of the local Establishment, but he might communicate his clerical services to those who acknowledged and desired them. Thus, gradually, clergymen of the Church of England crept into the country, and assumed a position somewhat anomalous for an Episcopal body, since they kept apart from the remnant of the Scots hierarchy, and thus were not territorially attached to any Episcopal superintendence.

These clergymen brought with them a novelty, containing two elements of deep offence, in their own form of service, which was revolting to the principles which Presbyterianism had adopted for a century, and was offensive for the quarter whence it came, as a badge of English supremacy. The Scots Episcopal clergy, High Church as they were politically, had, as we have seen, no liturgy. There was scarcely, down to this stage, any perceptible difference in form between their worship and that of the Presbyterian.—The historical causes of this fact have been amply followed in the history of the Book of Common Order, the abortive liturgies of Charles I.'s time, and the labours of the Westminster Assembly.<sup>1</sup> Hence, when

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<sup>1</sup> A writer, who was evidently one of the ejected Episcopal clergy, gives this account of the ceremonial of his Church at the time of the Revolution: "As to the worship, it's exactly the same both in the church and conventicle. In the church there are no ceremonies at all

the English tax-gatherers, like the Roman publicans, were said to be swarming northward, and bringing with them their idol-worship, with their priests of Baal, and their genuflexions, mutterings, and theatrical changes of raiment,—it is not to be wondered at that here was a new element of dissatisfaction with the Union, and that the spirit of her who threw the first stool was invoked to save the country from English dominion and the Popish mass-book.<sup>1</sup>

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enjoined or practised, only some persons more reverent think fit to be uncovered, which our Presbyterians do but by halves, even in the time of prayer. We have no liturgy nor form of prayer,—no, not in the cathedrals. The only difference on this point is, our clergy are not so bold or over-fulsome in their extemporary expressions as the others are, nor use so many vain repetitions, and we generally conclude one of our prayers with that which our Saviour taught and commanded, which the other party decry as superstitious and formal. ‘Amen,’ too, gives great offence, though neither the clerk nor people use it, only the minister sometimes shuts up his prayer with it. The sacraments are administered after the same way and manner by both,—neither so much as kneeling at the prayers, or when they receive the elements of the Lord’s Supper, but all sitting together at a long table, in the body of the church or chancel. In baptism, neither party use the cross, nor are any godfathers or godmothers required, the father only promising for his child. The only difference in this sacrament is, the Presbyterians make the father swear to breed up his child in the faith or belief of the Covenant or Solemn League, whereas the orthodox cause the father repeat the Apostles’ Creed, and promise to breed up the child in that faith which himself then possesses.”—*The Case of the Present Afflicted Clergy in Scotland truly represented, by a Lover of the Church and his Country.* London, 1690.

<sup>1</sup> How offensive the English Prayer-book might be in Scotland is shown by the anticipations of a close and sagacious observer, the first Lord Stair, who, after expressing a strong anxiety that King William might grace the Scots Parliament of 1690 with his presence, has a misgiving, thus briefly explained: “I find by the common opinion here, that if the king use the English service here it will give great discontent.”—*Melville Papers*, 387. The faithful Wodrow ever on the watch for alarming indications, notes the following: “March 1712. There fell out a rabble, in the parish of Auchterarder, beyond Stirling, anent the burial of a person there with the English service. The common people, though not very Presbyterian in their principles, yet they reckoned the service Popery, and could not away with it. When the corpse came to the churchyard, the women and country people began and made a great mutiny. The Lord Rollo, a justice of the peace, interposed, but to no purpose.

But it would seem as if a worse thing were yet to befall than the spread of the English liturgy. Copies of the emphatically condemned book known as Laud's Liturgy were sought for. These were rare and costly, and the demand for them brought forth a new edition of the book in a small and cheap form.<sup>1</sup> But that this was a symbol of the invasion of English Episcopacy was an alarm utterly groundless. It became the text-book of those who were not content with the English Prayer-book. The settlers from England consequently became centres, bringing together those who preferred the services and politics of the Church of England to anything that they saw in Scotland. A branch of the Episcopal Church thus grew up severed from the Jacobite party, who also seem to have become what we now term a ritualistic party, using either the service-book of Laud, or some other form differing from the English Book of Common Prayer at points where opinions divided.<sup>2</sup>

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The Duke of Montrose's baillie, Graham of Orchel, or suchlike name, was there, and writes it was not Presbyterians, but the whole of the common people there, and they chased off the liturgy man, and they behoved to bury in their wonted manner."—*Analecta*, ii. 30. Of the practices further northward, he says: "I have very lamentable accounts, by letters from some of our brethren in Angus, of the sad state of things there. The meeting-houses are increasing, and they bury their dead with the liturgy, and the clergy in their habits; and the nobility and gentry are very fond of these new fashions, and though application be made to the court, yet no redress is like to be got." "Our great folks observe now the English funeral rites in burying their dead relations. Lately the Lord Glamis, son to the Earl of Strathmore, had these rites punctually observed and performed by, I may say, all the prelatie clergy in Angus, who, being invited to his funeral—but not a Presbyterian minister—did attend in their canonic gowns; and the greatest part of our gentry admired and commended that way."—*Correspondence*, i. 77, 79.

<sup>1</sup> Edinburgh: Printed by James Watson, and sold at his shop opposite the Lucken Booth. 1712.

<sup>2</sup> There seems to be considerable confusion as to any standard of liturgy among the Scots nonjuring Episcopalians. There was a general preference for Laud's Communion Service, and its repudiation of the commemorative quality of the elements. Otherwise, while some in the spirit of loyalty took Laud's service-book because it was ordered 'for use by King Charles, others more zealous for ecclesiastical rule in things sacred varied it somewhat. The varia-

Meanwhile, among the clergymen who adopted the English liturgy was one named Greenshields, who did duty to a small congregation in Edinburgh. He had received his orders, after the Revolution, from one of the "exauctorate bishops," as they were termed; but he had served in Ireland, and came with his letters of credentials from the Archbishop of Dublin. He qualified by taking the oath, and thus did not come within the penal laws. The first measures taken against him were brought before the Dean of Guild, the head of the ædile police, who found that the clergyman was illegally perverting a private house for the purposes of a place of public assembly. When this difficulty was overcome, and the new congregation, changing its meeting-house, increased in numbers, the Presbytery took up the matter; and finding that Greenshields invaded their privileges, "discharged him," as it was termed, from the performance of clerical functions. But the ecclesiastical court not having the means of putting its sentence in force, applied to the magistrates of Edinburgh to render it effective; and they, after having endeavoured to procure compliance from Greenshields, committed him to prison for obdurate adherence to his ministerial function.

The decision of the magistrates was referred to the Court of Session, who twice confirmed it. Thus, so far as the institutions of Scotland were alone concerned, it was clear that Episcopal clergymen were not to be permitted to officiate, according to the English form, in Scotland. The signs of the times, however, seemed favourable

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tions seem generally to have been made in manuscript for pulpit use. The best account of them will be found in Grub's Ecclesiastical History, iv. 25. He says: "The most important change from King Charles' office was the alteration of the rubric prefixed to the prayer for the whole state of Christ's Church, in which the words 'militant on earth' were omitted; undoubtedly that the faithful departed might not seem to be excluded." In other words, reserving belief in a state of purgation. There was published in 1849, "The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church according to the use of the Church of Scotland." It is certified by Patrick Torry, "Bishop of St Andrews, Dunkeld, and Dunblane," and recommended to the use of the clergy of his own diocese.

to the Episcopal party, and they resolved to seek the protection of the House of Lords by an appeal. In the result of this attempt, there was but an addition to the unhappy series of incidents, rapidly following each other, which made Scotsmen fear that their institutions were to be trampled on, and their country made a mere dependency of England, instead of a province of the united kingdom of Britain. Though the protest to the Estates for remeid of law was an item in The Claim of Right, yet an appellate iurisdiction was not ostensibly alluded to in the negotiations or the known debates about the Union. We have seen how logical objections were raised against any appeal from the Court of Session to the Estates of Parliament, seeing that the old judicial powers of the Estates, whatever they were, had been delegated to that Court.<sup>1</sup>

In Scotland, the protest for remeid of law was to the whole Estates as they sat together. In England, the House of Lords had, by long constitutional custom, become the judicial branch of Parliament. Looking back to the influence which this tribunal has exercised over the administration of justice in Scotland, it seems strange that no provision was made about it in the Union settlement. But, whether for the reasons alluded to, or others that might be guessed at, the matter seems to have been left to the development of events.

Whatever far-seeing statesmen might have anticipated, appeals to the House of Lords took the people of Scotland by surprise. It was a matter of no small alarm to find that the battle between Presbyterianism and Episcopacy—as the case of Mr Greenshields came to be deemed—was to be decided by the body in which the English prelates sat. The case lingered for some time in the court of appeal, but in March 1711 a judgment was pronounced in favour of Greenshields.<sup>2</sup>

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<sup>1</sup> See the reign of Charles II.

<sup>2</sup> It was by a regular vote of the House—the practice by which some lord, bred as a professional lawyer, took the responsibility of the judgment, not having become systematic until long afterwards. It may be questioned if the proceeding would have been more popular in Scotland, had it been understood that virtually an English



We are now at the crisis when Harley and St John superseded Marlborough and Godolphin. This made but slight change on the official staff of Scotland, where those who were not Whigs were generally dangerous as champions of the exiled house. Hence, perhaps, it was that Mar, who became the leader of the insurrection of 1715, was retained as Secretary of State, lest that office should fall to some avowed and honest Jacobite.

Before this revolution the General Assembly had decreed a fast for "many evidences" of the "fearful symptoms of approaching judgments," and other causes of a like kind. The Church had been in use to get the assistance of the Scots Privy Council to concur with them, and give the authority of the secular arm to injunction of a fast. When they applied to the Court at St James's for similar concurrence, there was delay, difficulty, and something like contemptuous wonder what it was they wanted. But while they were ruminating on this grievance, and expanding into wrath towards the Whigs, they suddenly found that a Tory Government was driving them to fight for their existence.

In the winter of 1711, the Church of Scotland sent a deputation to London to represent to the Government their grievances about the fasts, and other petty difficulties, chiefly attributed by them to the scanty remnant of Nonjurors in the north. At the head of the deputation was the venerable Carstairs,—shorn, indeed, of the high political influence exercised by him in King William's reign, but still of great weight and mark as the man who had communicated its existing form and tone to the ecclesiastical establishment, and continued to rule its policy. He was accompanied by two other clergymen, Blackwell and Baillie.<sup>1</sup>

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lawyer gave judgment instead of the lords spiritual and temporal collectively.

<sup>1</sup> Blackwell was a professor in Aberdeen, but he must not be confounded with the later Thomas Blackwell, the ambitious author of the "Court of Augustus," and the "Inquiry into the Homeric Writings," who was probably his son. Some letters from Blackwell to the Provost of Aberdeen, written during his mission, are interesting and important among the scanty documents relating to the con-

While perplexing themselves with the import of Treasurer Harley's hazy and oracular responses to their complaints, they were thoroughly awakened by a movement as distinct as it was alarming, in the introduction of the Act for the toleration of the Episcopal clergy. Against accomplishing this end, had it not been accompanied by other features, the deputation could have expected little sympathy in their murmurs. Carstairs, indeed, was favourable to the abstract toleration. It was naturally suggested by the recent proceedings in Greenshields' case, and by other incidents of a more offensive character. In the east of Scotland the attacks on Episcopacy were decorous and judicial; but in the west, where a higher tone of Presbyterian fervour prevailed, there had been mobs, and violent outrages on places where the performance of Episcopal rites was known or suspected. The bill of 1712 seemed, however, haughtily to treat both the attacks of the rabble and the proceedings of the magistrates as offensive interruptions of the performance of the services of the Church of England, and enjoined all magistrates and judges to protect those of the Episcopal communion so engaged in their meeting-houses. It was provided, that none should presume to officiate in protected Episcopal meeting-houses, but those who were admitted to orders by Protestant bishops; but it was not said that they must be bishops of the Church of England. It was evidently intended, that whether they were connected with the deposed Episcopal establishment or the Church of England, the Episcopal clergy should be protected in the performance of their novel and offensive ceremonies.

But even for the later generation, who might have grown up in a more favourable condition for appreciating the true principles of toleration, there was something pointedly hostile in this Act. An Established Church never likes to be classified with another, which has a

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duct and views of the Tory ministry on Scots ecclesiastical matters. They are printed in the first volume of the *Miscellany of the Spalding Club*, 197 *et seq.*

mere tolerated existence ; yet, by the same clause in this Act, regulations were imposed on the Established Church and the Episcopalians.<sup>1</sup> But there were other sources of offence more serious and fundamental. Legislation as to oaths and tests has often been, and had hitherto been under the new rule, of that easy kind which takes no strict inquisition of obedience, and would rather not see defaulters. In the new measure, a specific date was fixed, before which the oath must be taken by all who at the time held benefices. The time so fixed was the 1st of August, and all those afterwards becoming Established clergymen were to take the test before admission. In arranging the machinery for exacting it, a brief and abrupt method was taken, not complimentary to the clergy. They were to take the oath "in such manner and under such penalties" as officers civil and military were appointed to take it under the previous Act. They knew that the machinery for exacting compliance from the civil and military functionaries was stringent and effective, and that in being brought under it, they were not subjected to a mere nominal and evadable formality. This stringent severity was coupled with the humiliating arrangement, that they, the Established and dominant clergy, were placed, in these domineering injunctions of the State, side by side with the deposed Episcopacy, in the very same clauses, and even the same sentences. It was a farther ingredient of bitterness, that, instead of the old oath of security established by the Scots Estates, there was substituted an oath of abjuration framed by the English Parliament, and referred to as to be found in an English Act, by a phraseology not understood either by Scots ecclesiastics or lawyers. But farther still, as we shall see more distinctly in connection with the exertions of the Scots churchmen, when these reverend gentlemen excavated

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<sup>1</sup> The form in which the two were conjoined was, "That all ministers of the Established Church of Scotland, and all and every person and persons who is or are pastor or pastors, minister or ministers, of any Episcopal congregation in Scotland, shall be obliged," &c.

the English Act, to which they were thus tortuously directed, they found that it made them—a Presbyterian clergy—lay down membership of the Church of England as an absolute condition in the successor to the throne !

It was one of the class of unfortunate regulations that are more offensive to those whose sense of duty teaches them to do the thing it enjoins, than even to those forced by it into unwilling homage. The ministers of the Established Church of Scotland were, of all clergymen in the United Kingdom, those who prayed most fervently for the Hanover succession, yet were the most fervent to deny the State's right to prescribe how they were to exercise the ministerial function, and dictate the terms in which they were to frame their devotions. Yet this was done by the Act of Toleration. It provided that every Established minister, as well as every Episcopal clergyman protected by the Act, should at some time during the exercise of divine service, pray "in express words for her most sacred majesty Queen Anne, and the most excellent Princess Sophia." In its application to the Episcopal clergy, this was a test of loyalty to the Hanover succession ; but to the Presbyterians it was a gratuitous wound in one of the most sensitive parts of their system. It is difficult to understand how Parliament could have thus recklessly hit right and left ; and as it was a period of capricious action, when legislators tried to trip each other up, and there was little ministerial responsible attention devoted to parliamentary business, it may be conjectured that the obligations against the two Churches were inserted in mutual spite. A probable cause of them is, that the Whigs insisted on the clauses as they affected the Episcopal Church, for the purpose of compelling Harley's ministry, with all its Jacobite tendencies, to subject its most entirely Jacobite friends in Scotland to a strict Hanoverian test ; and that, on the other hand, the Tories took revenge by requiring that the test should extend to the Presbyterians, to whom, in debate, it was presumed to be no less applicable and necessary than to their neighbours.

The Scots Establishment was of course visited with

immediate alarm, by the rumour of this measure. The deputation in London approached the throne with a humble representation and petition, sent from the Commission of the Assembly. In reference to the clauses tolerating Episcopacy, they called up the Act of Security, which, as a fundamental part of the Treaty of Union, confirmed their own system "as the only government of Christ's Church within this kingdom," —and doubtless the object for which the Act of Security was proposed by the Scots Church justified their interpretation, however statesmen may have accepted of it. They maintained that the ecclesiastical and religious organisation of the country belonged to them; that schism was an offence of which they were the judges; and that they were entitled to enforce conformity to their own standards. In this view, it even excited their wrath to find in the bill a clause protecting their ecclesiastical jurisdiction over their own communion, as if they did not enjoy it over the whole country.

This outcry was caused by the clauses of toleration, and before the clergy felt the direct blows aimed at themselves. The discovery of the new qualifying oaths called forth a separate protest, founded on a minute inquiry into their history and character, and a logical examination of their nature. This document professed entire loyalty to the Hanover succession, and was, in fact, a sort of collective adoption of the terms and spirit of the abjuration oath, while it declared that many of the brethren had scruples about embodying these their opinions in a personal oath. But it set forth the much stronger ground, that this was a breach of that condition of the Union which protected every subject of Scotland from any oath or test inconsistent with the Presbyterian Church Establishment. This plea was likely to go much farther in England than any expression about unlawfulness that might invite a sneer against fanaticism. When required to state their case, the clergy made it out thus. The abjuration oath bound the juror to support the Protestant heirs to the crown. But the line of heirs was referred to as indicated by the English Act of Settlement; and when that Act was ex-

amined, it was found that one of the conditions of the succession, as there laid down, was, that the monarch be a member of the Church of England. An oath making this the qualification for the throne was maintained, and with justice, to be such a test, inconsistent with the Presbyterian Church Establishment, as the subjects of Scotland were protected from by the conditions of the Union. This incident in the form of the oath, probably overlooked by the framers of the Act, had much influence in strengthening the Presbyterian nonjuring party in Scotland, who gave it the name of the "logical lie."

Carstairs, to whose acuteness the discovery of the anomaly may be attributed, made an attempt, which a person of more violent opinions would not have made, by a little diplomatic movement, to take out of the oath the offensive connection with the English Church, without injuring its efficacy. The abjuration oath was made to refer to the succession, "as the same is and stands settled by an Act," &c., referring to the Act of Limitation. It was proposed that this should be changed, and that the form of reference should be to the succession *which* is and stands settled. Thus it was said that the juror who would not swear allegiance to the heir *as* settled by conditions which required that he must belong to the Church of England, would yet have no objection to swear fealty to that line of succession which the Act pointed out. This alteration was made on the bill as it stood in the House of Lords; but it appears to have been looked on as an engrosser's blunder, or some other result of carelessness, and the previous phraseology was restored as a matter of routine, without any explanation.<sup>1</sup>

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<sup>1</sup> See Lockhart, i. 385; Tindal, i. 244. Wodrow and others were convinced that "the amending the little great word *as* into *which*" was an important condition urged by the October Club. The Toleration Act was ordered by the Commons to be brought in on the 21st of January. It passed their House on the 7th of February; was carried, with the Lords' amendments, on the 26th; and received the royal assent on the 3d of March. The Patronage Act was ordered to be brought in on the 13th of March, passed the Commons on the 7th of April, and received the royal assent on the 22d of May.—Journals of the Lords and Commons.

It seemed to the members of the Scots Establishment that these proceedings foreboded a revolution in the relative position of the two Churches. Their forebodings seemed to be but too closely confirmed, when they heard that a measure was brought in for the restoration of Patronage. This memorable measure—memorable at least in Scotland, where it has been ever associated with disunion and disruption in the Established Church—passed through the Commons rapidly. The deputation from the Church, who were then in London, had been authorised “to take all proper and legal methods for preserving the rights and privileges” of their Church. When they saw the Patronage Act pass the Commons on the 7th of April, they presented a petition against it to the House of Lords. It appealed naturally to the Treaty of Union, which, passed after the Act abolishing or modifying patronage, included its provisions among the privileges of the Church of Scotland which the treaty preserved. The document contained a historical sketch of the state of the question, simple, brief, and reasonable.

It is remarkable among the Scots ecclesiastical documents of the day, for being clear of those lumbering Scriptural technicalities which are sometimes called cant by those who dislike them, and it seems to have been in every way well adapted to secure respect from the fastidious and not very friendly audience to which it was addressed. Yet this document had a fatal defect, which called up mortifying and irritating discussions. It was directed “To the most honourable the Peers of Great Britain.” The omission of the lords spiritual could not, of course, escape notice; and no doubt it was intentional, for the representatives of the Church of Scotland would not have readily compromised her principles by appealing to the legislative power of the prelates. Perhaps, however, it had been better to do so, and seem lightly to conform with an etiquette, than find it necessary, as they afterwards did, solemnly to yield a debated point. The petition could not be received unless its title were changed. There was, if they persisted, the heavy responsibility before them of permitting so vital a measure to be carried without a

remonstrance, while they had reason to believe that even some of the bishops, whom they might be needlessly offending, were on their side; and so they yielded and changed the address of the petition, drawing forth many groans from those who, amid the wreck and ruin around, saw their own chosen champions deserting them.<sup>1</sup>

The statute so rapidly and so easily passed was called "An Act to restore the Patrons to their ancient rights of presenting Ministers to the Churches vacant in that part of Great Britain called Scotland."<sup>2</sup> It referred to the measure generally called the Act for abolishing Patronage, which immediately followed the Revolution, and revoked the transfer of the privilege to the heritors and kirk-session, restoring it to the original patrons.<sup>3</sup> The curious dubiety and internal inconsistency of that measure may be remembered. It professedly abolished presentation to benefices, substituting another system in its place; and then it appointed a method of compensation to the patrons for the privilege so removed.

From the few casual notices to be found about the working of the abolition measure, it would appear that its inconsistent provisions came out in practice, and that the one party counted patronage abolished, and the compensation a tax which was not easily recovered; while the patrons themselves maintained that the pecuniary compensation of six hundred merks was the price allowed them for their privilege, and they were not bound to give it up without receiving payment. This double understanding is shown in the preamble of the Act of Restoration.<sup>4</sup>

<sup>1</sup> See the Petition and Proceedings, Parl. Hist., vi. 1127-30. There was then a Low Church majority in the Episcopal bench, and five bishops voted against the Patronage Act. It was observed at the time, that the bishops cared less about the recognition of their order, than some temporal lords about a precedent that might bring the bishops under the denomination of peers.

<sup>2</sup> 10th Anne, c. 12.

<sup>3</sup> See chap. lxxxiii.

<sup>4</sup> "Whereas that way of calling ministers has proved inconvenient, and has not only occasioned great heats and divisions among those who, by the aforesaid Act, were entitled and authorised to call ministers, but likewise has been a great hardship upon the patrons whose predecessors had founded and endowed those churches, and



It distinguished the instances where the parliamentary price of the patronage had been paid from those where it had not, and excluded any claim for restoration to those patrons who had received the compensation and had granted in return a renunciation of their rights. This arrangement, like everything else about this unhappy nucleus of ecclesiastical debate, afforded weapons for the combatants on both sides. On the one it was maintained that the extremely few instances in which the compensation had been paid, showed that the Act of William was not zealously adopted, while by the Act of Anne, the parishes which had fairly bought the right from the patrons were allowed to keep it. On the other side it was maintained that the Act of William was intended to abolish, and did abolish, patronage, and that the provision for compensation was a separate boon to the patrons, which they were free to realise, as the Act gave them power.

The Patronage Act was calculated, by its phraseology as well as its contents, to be very offensive to zealous Presbyterians. After the clause appointing patrons to present, it is provided that "the Presbytery of the respective bounds shall be, and is hereby, obliged to receive and admit, in the same manner, such qualified person or persons, minister or ministers, as shall be presented by the respective patrons, as the persons or ministers presented before the making of this Act ought to be admitted." Although this clause, when its intended sense is extracted, means nothing more than that the ecclesiastical courts are to use their ecclesiastical functions as they used to do—are to see that the person presented is qualified according to ecclesiastical rule, and to proceed in their ordinary manner to his collation—yet its dictatorial tone was offensive. It rather stated what should be done, than left the Church to perform its own functions in its own way. And it decidedly did not address the Church courts with that

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who have not received payment or satisfaction for their right of patronage from the foresaid heritors or liferenters of the respective parishes, nor have granted renunciations of their said rights on that account."

courtesy which, looking on themselves as a co-ordinate legislature for matters spiritual, they considered themselves entitled to expect from their brethren of the temporal legislature.

Such were among the immediate and perceptible causes of complaint against this measure. The more serious disputes, however, with which it afterwards became associated, arose out of subsequent internal developments in the spirit of the Scots Church. In their proper place these will have to be considered; and it is only necessary to state, in the mean time, that they were not anticipated at the passing of this Act, and that they are rather incidentally and nominally associated with it, than directly attributed to it as historical effects of a sufficient cause. When a portion of the Scots Church afterwards made war on patronage, they naturally attributed all the evils they complained of to an Act which they found on the statute-book restoring patronages; but their cause of complaint might, and probably would, have subsisted as an internal element, had that Act not passed.

When the next Assembly opened, even the official letter which the sovereign annually lays before the Assembly, showed, through its cold formal reserve, some feelings of misgiving, as if the boundaries of freedom had been exceeded. This document, bearing the signature of Lord Dartmouth, says: "Lest any late occurrence should have possessed any of you with fears and jealousies, we take this solemn occasion to assure you it is our firm purpose to maintain the Church of Scotland as established by law; and whatever ease is given to those who differ from you in points that are not essential, we will, however, employ our utmost care to protect you from all insults, and redress your just complaints." It was clear that the Assembly was now a very different body from that which, twenty years earlier, had offered dangerous defiance to King William. Many entertained views decidedly moderate—some would have stood out for their old cause, were there any prospect of success, but the dispiriting circumstances by which they were surrounded, quenched the spirit of the meekly zealous, while the violent were not suffi-

ciently numerous effectively to act. It was decided that nothing should be done collectively prompting resistance to the law, or even so far denouncing the Acts of the legislature as to justify or provoke the interference of the Commissioner. In their answer to the royal letter, they said that the matters referred to did indeed possess them with fears and jealousies, but that, embracing her majesty's assurance of protection and countenance, they called to her mind the representations made by their Commission, humbly hoping that their complaints "may come in due time and manner to be redressed."

But the enactment of the oath still presented a serious difficulty; for this was not a mere act of offence carried through against their wishes where they had no control, but was a measure in which they were called on individually, if not collectively, to participate, by qualifying themselves according to the Act, before a given time, postponed from the 1st of August to the 1st of November 1712, to suit the arrangements for the sessions of the peace. It was not for the Assembly to echo the Act of Parliament, by enjoining the oath, and yet the majority were decidedly against a conflict with the legislature. Hence it was not a matter on which it was likely that the Assembly would pass any Act, either commanding or forbidding the oath to be taken. But the members of an ecclesiastical assembly met together, could not avoid the opportunity of relieving their bosoms to each other on so momentous a question; and a general solemn conference was held, consisting not merely of members of the Assembly, but of all the clergy and licentiates who found it convenient to attend. Wodrow, who has preserved with much devotion the proceedings of less important meetings, has fortunately left us an account of this conference, at which he says, "there were the greatest number of ministers ever met in Scotland, for what I know."<sup>1</sup>

What seems to have created general alarm and misgiving in the veterans of the Church, was a strong majority among their junior brethren in favour of the oath.

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<sup>1</sup> *Analecta*, ii. 39.

Throughout the meeting, Wodrow, as an auditor, says, "a considerable part, and if I mistake not a half, if not three parts, seemed clear anent the taking of it." The technical expression for those who were decidedly in favour of the oath was, that they "had got clearness." Those who wavered were waiting for this clearness, and not without hope of obtaining it. The old remnant of the true Covenanting party held out no such prospect. With them compliance was unlawful and sinful, admitting of no compromise or hesitation; "and so the call being never so plain, and the penalties never so great, they could not go in to it." It was proposed, that those who "had clearness," should, for the prospect of unity, agree to delay qualifying until those who were in doubt had clearness imparted to them; but it was feared that any such arrangement would involve an appearance of general resistance productive of very formidable results. The fathers of the conference were compelled to leave events to take their course, and separated with many heavy forebodings.

When the time arrived for taking the oaths, the religious bodies which had alternately held rule in Scotland were each cut in two. In the Establishment, the nonjurors turned out to be comparatively a small body; but few of the Scots Episcopalians took the oaths. They had associated themselves in principle and action with the cause of the Stewarts. The very circumstances under which the Toleration Act, with its qualifying appendage, was passed, brought new hopes to their cause, and they were not to abjure it at such a moment. The clergy who took the oaths were generally members of the Church of England; and those Episcopalians who did not choose to be counted Jacobites gathered round them, and were considered a sort of branch of that Church, using, as we have seen, the English Prayer-book. The Jacobite majority went ever after by the name of Nonjurors.

The Established Church bestowed on the minority of their own body, which was separated by the same law, but not the same principles, the more familiar and less respectful abbreviated name of the "Nons" This body

had, indeed, a far less firm standing in the ordinary foundation of human motives than their antipodes of the Episcopalian unqualified. These had a substantial political cause to advocate, and had no substantial pecuniary reward for conformity. The Presbyterians, on the other hand, with all the worldly advantages of a comfortable endowment beckoning them in the direction of conformity, were all heartily in favour of the object of the oath; they only objected to the coercive profession of the opinions they entertained. People acting on principles so purely theoretic can seldom accomplish much, unless they go forth on the wings of an enthusiastic and overwhelming majority. When they once cross the line that places them in the minority, it is their fate to dwindle and become insignificant. Though we are told, that at the time when the oath was to be taken, some fell ill, and others encountered convenient interruptions; yet there was abundant countenance in a growing majority for those who desired an excuse for conforming, and every day added to the list of ministers who had got "clearness."<sup>1</sup> This preponderating number felt itself speedily strong enough to hoist signals of defiance and contumely. The "nons" were subject to urgent persuasions, to ridicule, and sometimes to the charge of being friends of the Jacobite cause, and secret enemies of Presbyterianism—a charge which carried a special sting in their abhorrence of the character thus attributed to them.

The "nons," however, if they were inferior in a careless and unclerical recourse to sarcasm, could retaliate with more powerful weapons. Believing that they inherited, more purely than the rest of their brethren, the true spirit of their Church, they were less tolerant and more exclusive. A small middle party, among whom Wodrow was conspicuous, endeavoured to carry out an understanding, that the battle was to be left between the State and the recusants, and that all the clergy were to act in their ministerial functions and their ecclesiastical courts in brotherly love, as if there were no cause of difference

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<sup>1</sup> *Analecta*, ii. 110.

among them. But the sterner party would have no such intercommuning; and set themselves, in minor courts, where they had a predominance, to rebuking and excommunicating the conformists. As we so often find in Scots ecclesiastical disputes, though the quarrel was between the churchmen wielding spiritual authority, and statesmen with their temporal weapons, the most vehement, untiring, and resolute opponents of the oath were the elders and other influential members of congregations; and often, when the ministers would have conformed, or at least have desired to follow the dictates of their consciences with quiet self-approval, judging charitably of their neighbours, they were unwillingly driven to a more offensive position by the conduct of self-sufficient and intolerant elders. Many of these rigid censors, uniting to themselves a following of less gifted persons aspiring to their invidious functions, not only spurned the conforming clergy as spiritual guides, but, lifting their protest against those nonjurors who held friendly communication with the deserters, sometimes, in the local Church courts, subjected them to rebuke for their lax and unlawful intercommunings.<sup>1</sup>

The recusants often proposed to adopt a system of organisation, for the purpose of hostile operation; but as there were no oppressive measures immediately pursued against them, prudence so far prevailed as to restrain the greater part of them to negative recusancy, until historical events altered their position. In the mean time they resolved to retain their benefices and clerical position, abiding their fate. Within their circle, however, and still nominally of the Church of Scotland, were some whose exclusive spirit was deepened and hardened by the stern nature of a body of their hearers, or rather lay coadjutors. To these ministers, whatever they might have done had they been free agents, there was now a choice

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<sup>1</sup> The reader desirous of more minutely examining these local disputes, will, without undergoing the labour of a search among the pamphlets of the day, probably find as much about them as he can desire to peruse, dispersed throughout the first volume of Wodrow's Correspondence.

between two masters—the Established Church, and the Covenanting fathers of their congregations. By the latter, conformity was, of course, not among things to be anticipated. The question really at issue was, Whether men so eminently rigid in their walk and their opinion, could endure that their pastors should sit transacting parish business with men who took the oath, or even with those who held communication with men who took the oath? This brings us again in contact with our old friends the Cameronians, and is the last occasion on which it will be necessary to enlarge on their peculiarities.

This epoch, indeed, became conspicuous in their history, by their consolidation as a separate body, severed from the Church of Scotland. Their new foundation became known and memorable in their own history as the “Auchenshauch Declaration and Engagement.” Since the Revolution Settlement, when, from the unmanageable perversity of this obdurate sect, they were deserted by their three clergymen, they had kept themselves apart—a compact, organised, jealous body, meeting from time to time to lift up protestations and proclaim remonstrances. A succession of these fierce documents begins with the Sanquhar Declaration of 1692, the violence of which seems to have prompted the Government to imprison their leader, Sir Robert Hamilton.<sup>1</sup> Another testimony was adopted in 1695, another in 1703; and these were followed by a denunciation of the Union, and the “Auchenshauch Declaration.”<sup>2</sup>

These lay associations were extremely anxious to ob-

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<sup>1</sup> It appears from a passing notice in the Minutes of the Privy Council that he was so imprisoned. It is not among the grievances generally alluded to in the pamphlets of the sect.

<sup>2</sup> The titles of these documents, all bearing such a general resemblance to each other that it is difficult to distinguish them, are a singular blending of avowed humility and actual spiritual pride. Thus, “The Protestation, Apologetic Declaration, and Admonitory Vindication, of a Poor, Wasted, Misrepresented Remnant of the Suffering, Anti-Popish, Anti-Prelatic, Anti-Erastian, Anti-Sectarian, True Presbyterian Church in Scotland.” Some quotations, characteristic of the whole, have been already made from the Sanquhar Declaration on the Union.

tain clerical leadership ; but they still exacted that rigid obedience which had left them, on previous occasions, destitute of a ministry, and made their chosen pastors glad to take refuge in the Establishment. They were, however, the external support to which the extreme Covenanting party in the Assemblies leaned, from the Revolution Settlement to the time of the abjuration oath.

The Church thus included several members who adopted the cause of the Cameronians with more or less vehemence. These clergymen kept their brethren in unceasing torture and excitement, amidst an endless maze of Representations, Protestations, and Testimonies, on the one hand, met by Censures, Suspensions, and Depositions, on the other. It was the policy, or rather the spirit, of the extreme men, instead of dissenting from the Church and leaving its judicatories, to give defiance, and attempt to bend the overwhelming majority against which they stood out, to their own views. They looked upon themselves as soldiers, who, by dissenting, would be deserters from their post. In their many proclamations of defiance, they ever professed the most entire submission to the authorities and judicatories of the Church, provided these bodies were purged of all defection and scandal,—meaning, if more than four-fifths of the members were cast out, and none were admitted but those who thought as they themselves did, and adopted any test they chose to offer. Sometimes their tired antagonists endeavoured to come to a compromise with them. On these occasions, the extreme brethren generally expressed cordial willingness for a peaceful union ; but when they named the terms of co-operation, these were a revival of the old absolute injunctions, that the Church should renew her Covenant, and adopt her allotted task of extirpating Papacy, Prelacy, and Sectarianism throughout the three kingdoms. They treated the majority of their brethren as schismatics, and occupied towards them the position of the true Church, with which they were bound to come to a reconciliation through penitence and abjuration of error.

As we have seen on other like occasions, those who were nearest, both in opinion and local position, to these



reverend gentlemen, were their bitterest opponents. The inferior judicatories of the Church thus endeavoured to drive them forth, but were sometimes baffled in the higher courts by points of form or an unwillingness to commence the work of severance. They had a signal cause of triumph over their backsliding brethren, in the proceedings against them being interrupted by those regal adjournments of the General Assembly which gave so much affliction to the Church in general.

The man pointed out by his previous career as the leader of the Cameronians was the Reverend John Hepburn. He was so turbulent a priest that he was repeatedly imprisoned for acts that came within the cognisance of the courts of criminal law, even after the Act that made these no longer the enforcers of ecclesiastical condemnations. It is said in the pamphlets of the day, that, transferred from prison to prison, he managed to preach from his barred windows, sometimes to a considerable congregation, consisting not entirely of stray passengers arrested by his uncouth earnestness, but containing some who had travelled from his own peculiar western district to drink at the pure fountain of covenanted truth. As yet, however, there had been no actual severance of this man from the Church. He was under a sentence of separation, but it might be removed. He severed himself, however, from his friends, and left the leadership that might naturally have been his at this juncture to another. This was the Rev. Mr MacMillan, from whom a section of the Cameronians have sometimes been called MacMillanites; and his second in command was the Rev. Mr MacNeill.

Instead, however, of at once coming forth from the defiled Establishment, they adhered to it as long as they could, on their old principle of reforming from within. MacMillan, like Hepburn, was besieged by a battery of ecclesiastical prosecutions, which he treated with contempt. It would be a tedious and unproductive labour to follow them through their multitudinous forms. It appears that in 1711 the local Church courts had deprived him of his ministerial connection, but as his parishioners were devoted to him, a successor could not be installed,

though he found it extremely difficult to obtain payment of his stipend.<sup>1</sup>

But such captious contests dwindled away before the days of glory at Auchenshauch, which, to MacMillan, were something like what the day of the inauguration of the Supreme Being was to Robespierre. Beginning on the 27th of July, in 1712, high festival was held by a crowd of the followers of the primitive Covenants, gathered from all parts of the Border districts. The Covenants were renewed along with the other testimonies of the Covenanters.<sup>2</sup> Along with their acknowledgment of old standards, they adopted a testimony of their own, adapted to the occasion. In this document, already referred to among the crowd of testimonies, they protest against all schism and sinful separation from the Church of Scotland—a fault which they do not take to themselves, since they stand forth as its only true members. They detest and abhor the oaths of allegiance, assurance, and abjuration. They solemnly bind themselves in their stations and vocations to extirpate Prelacy, and all rites, ceremonies, heresies, and false doctrines; concluding their denunciation of all who differ with them, and their obligation to put down all such differences, in these gentle words: we “shall, in the strength and through the help of Christ, endeavour to deny all ungodliness and worldly lusts, and from henceforth to live righteously towards our neighbour, soberly in ourselves, and to walk humbly towards our God.”

Thus was organised the first Secession from the Church of Scotland. But, alas for human popularity, whether secular or religious!—even MacMillan and his clerical pupils were unable to comply with the exactions of the sternest of their sect. After having been thus lifted in glory over the heads of their denounced predecessors, they were themselves denounced; and many rigid lay fathers of the congregations left a penitentiary testimony

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<sup>1</sup> Wodrow, *Analecta*, i. 315.

<sup>2</sup> See an account of this solemnity, given with something like a spirit of admiring rivalry, in Wodrow's *Analecta*, ii. 76 *et seq.*

against their own unintentional backsliding, when they were led away by the plausible protestations of that man of deceit and guile, who had deceived their trusting hearts at "the Auchenshauch Wark."

It would be impossible, if it were of use, to follow the Cameronians through their divisions and subdivisions. A portion of them, looking sternly back on the successive array of clergymen who had, by outbidding each other, endeavoured in vain to minister to the intense rigidity of their spiritual demands, came to the conclusion that no man might be found from whom they could fittingly receive ministerial services. They isolated themselves as "Non-hearers," and set forth in their testimonies that the guilt of abstaining from the rites of religion was not theirs, but must be laid on those shepherds who had foully deserted the sacred task of leading their flock in the right way. They gave themselves forth in abundant testimonies, which, however earnest they may have been, are far more curious than solemn.<sup>1</sup> Though thus, however, fragments were repeatedly severed and scattered from it, the sect or Church of the Cameronians lived on. It is now known as the Reformed Presbyterian Church, numbering upwards of forty congregations, who, it is believed,

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<sup>1</sup> The following paragraph, from "The testimony of William Wilson, sometime schoolmaster in Park," may stand as a model of exhaustive enumeration: "I leave my witness and testimony against all sectarian errors, heresies, and blasphemies; particularly against Arianism, Simsonianism, Socinianism, Quakerism, Deism, Burognianism, Familism, Scepticism, Arminianism, Antinomianism, Libertineism, Brownism, Baxterianism, Anabaptism, Millanarism, Pellagianism, Campbellianism, Whitefieldianism, Latitudinarianism, and Independency; and all other sects and sorts that maintain error, heresy, or blasphemy, that is contrary to the Word of God, to sound doctrine, and the power of godliness; and all erroneous speeches, vented from pulpits, presses, or in public or private discourses; and against all toleration given or granted at any time in favour of these or any other errors, heresies, or blasphemies and blasphemous heretics; particularly the toleration granted by the sectarian usurper Oliver Cromwell; the antichristian toleration granted by the popish Duke of York; and the present long-continued toleration, granted by that wicked Jezabel, the pretended Queen Anne."—Collection of Dying Testimonies, &c., 334.

listen to doctrines of a very different temper and spirit from those with which a few of the clergy between the Revolution and the accession of the house of Hanover, endeavoured to propitiate the stern Hill-men.<sup>1</sup>

Returning to the civil history of the period, we find events concurring to revive the hopes of the Jacobites.

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<sup>1</sup> Those who wish to investigate the early history of the Cameronians, will find much curious matter in the following books and pamphlets :—

The Nonconformists' Vindication ; or, a Testimony given against the Indulged Assembly of Separatists, wherein the false Calumnies and Aspersions cast upon the suffering Presbyterians are answered and confuted. Also the Heads and Causes of Separation are opened and explained. Together with an Explanation of the Erastian State of the present Church. By Patrick Grant.

Truth and Reason are no Treason. Libera Gens, Libera Mens. 4to, 1700.

Grounds of the Sentence of Deposition pronounced against Mr John MacMillan, Minister of Balmachghie.

A true Narrative of the Proceedings of the Presbytery of Kirkcudbright.

The pamphlet entitled "A true Narrative," &c., Examined and found False, and the said Presbytery and Reverend Commission of the General Assembly are Vindicated from what is calumniously alleged against them therein, &c. By a Member of that Presbytery. 4to, 1705.

A Letter from a Friend to Mr John MacMillan, wherein is demonstrated the Contrariety of his Principles and Practices to the Scriptures, our Covenants, Confession of Faith, and Practice of Christ and the Primitive Christians, &c. 4to, 1709. (Marked in the Advocates' Library copy, in Wodrow's handwriting, "By Mr Linning.")

A Modest Reply to a Pamphlet intituled, "A Letter from a Friend to Mr John MacMillan," showing that his Principles and Practices are consonant to the Word of God, &c.

Just Reflections upon a Pamphlet intituled "A Modest Reply," &c. (In Wodrow's handwriting, "By Mr A. Hamilton.")

The Beam Pulled out of the Hypocrite's Eye, or the Querier Questioned ; wherein is vindicate the False Calumnies cast upon the Truth and Testimonies of the Church of Scotland ; in a Letter published and directed to Mr John MacMillan, &c.

The Friendly Conference ; or, a Discourse between the Countryman and his Nephew, who, having fallen off from hearing, hath for some years been a follower of Mr MacMillan, &c. 4to, 1711.

A Short Survey of a Pamphlet intituled "A Friendly Conference," &c.

The "Survey of the Friendly Conference" Examined, &c.

Humble Pleadings for the Good Old Way ; or, a Plain Repre-

They were in themselves a considerable body. The leaders of the Cabinet were supposed to be partial to their cause ; and some of them knew the great State secret of the time, that Bolingbroke had committed himself to their interest. The different classes of people who, in Scotland, had been the zealous friends of the Revolution, had received buffet after buffet from England since the Union. It was difficult to find any body of men, in ecclesiastical synod, or county meeting, or corporate municipality, who, if they were not writhing under acts of palpable injustice, had not some complaint of contumely and insult against England. It did not follow that the discontent and irritation went so far as to convert the friends of the Revolution Settlement into Jacobites. But still the discontented and irritated were watching for signs of a counter-revolution ; and were far more ready to resign themselves to a change of which they were daily watching the prognostics, than they would have been had they received kind, considerate, and cautious usage from England.

While public feeling remained in that state of suspense which makes it proverbially susceptible, a little incident, which would at other times have passed unnoticed, sent a thrill of excitement through Scotland, and found its way, in a conspicuous shape, into the ordinary histories of the period. The Duchess of Gordon, an excitable and rash woman, a Roman Catholic, and an ardent Jacobite, presented to the Faculty of Advocates, the Bar of Scotland, a Jacobite silver medal. It had on one side a likeness of the Stewart representative, with the significant legend "*reddite*," and on the other a little map of the British Islands, with the legend "*cujus est*." The

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sentation of the Rise, Grounds, and Manner of several Contendings of the Rev. Mr John Hepburn, &c. 1713. (This volume contains several of the papers in Mr Hepburn's clerical litigations.)

An Answer to the first part of "Humble Pleadings ;" or, a Vindication of the Church of Scotland from the Unjust Aspersions of Mr Hepburn and his Party. Dumfries, 1717.

A Collection of the Dying Testimonies of some Holy and Pious Christians, &c. (Referred to in preceding note.)

object was unmistakable. It does not appear, however, that this medal was made for the occasion. It was common on the Continent, and was treasured by friends of the cause in this country. But the trivial character of the offering was supposed only to indicate the reckless and confident spirit of the Jacobites. If the Duchess of Gordon had caused a medal, at great cost, to be struck in gold, it might have indicated a feeling of deep devotion to the fallen cause. The sending a common silver medal thus ostentatiously to a body of gentlemen, savoured of contemptuous defiance. Boyer, Tindal, and other historians of the period, gave an account of the reception of the medal. It is difficult to believe, either that so much pompous importance as they mention could have been given to so trifling an event, or that men of responsible position should have rashly and publicly accepted the offering as a token of intelligence, and a forecast of coming events. And yet real names are given, and the accounts are so accurate in the technical phraseology of the violent speeches attributed to the members of the Faculty, that they evidently must have been supplied by people who were acquainted with the details of the incident. The imprudence attributed to those who represented the members of the Bar on this occasion, would indeed be beyond belief, and the whole history would be attributable to the excitable credulity of the public mind, were it not that its substance is confirmed by an indictment against James Dundas, the most prominent actor in the scene, for the peculiar Scots offence of leasing-making.

Though the proceedings were thus formally commenced, it was significantly remarked that they were not pushed to any conclusion, as they certainly would have been, had there been a desire to punish Dundas, if guilty, or for the sake of his acquittal had he been innocent. It was alleged, that the form of a prosecution was adopted to meet a demand from Hanover, and that it was abandoned to satisfy desires nearer home. Along with the medal affair, Dundas was charged with the authorship of a violent Jacobite pamphlet, termed in the indictment "a heap of lies, villany,

and mischief.”<sup>1</sup> It compared the “abominable monster,” King William, to Nebuchadnezzar and to Nero; and charged him with commencing a system, still pursued, which was fraught with cruelty and injustice, and ruinous to the realm of Scotland. This pamphlet farther appealed with an audacity to be accounted for only by expectation of aid in high quarters, to the late humiliation of Scotland, as remediable only in one way—the restoration of the true representative of the old line of kings.

Contemporary with these indications, there were movements in the Highlands which had a suspicious resemblance to armed preparation. The funeral of a chief or any man of high connection was ever celebrated with great pomp of warlike pageantry, and it was observed that on such events occasion was taken to gather assemblages of men, so great as to be more like armies than funeral processions. Government money, at the same time, was known to pass from the secret service department to the Highland chiefs. This was so palpable, that the Duke of Argyle even ventured to found on it a charge in Parliament against the lord-treasurer Harley. This inscrutable statesman vindicated himself by saying, that he had but continued the practice established by King William, who had allowed gratuities to the heads of clans to insure their loyalty. To turn the attack, it was proposed that Harley should receive the thanks of the House for his conduct on the occasion. But Bolingbroke, then his bitter rival, but his necessary coadjutor from a knowledge of common secrets, and perhaps a sense of common danger, desired to avoid a conspicuous triumph which would irritate the enemy, and make the whole affair perilously conspicuous; so he said, “He was persuaded the treasurer was contented with the testimony of his own conscience, and desired no farther satisfaction than to have his conduct approved by that august assembly.”<sup>2</sup>

The cup of bitter humiliations drained by many of the

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<sup>1</sup> “The Faculty of Advocates’ loyalty, in a letter to the Queen’s most excellent majesty, by one of the Dean of Faculty’s Council.”

<sup>2</sup> *Parl. Hist.*, vi. 1339.

Scots people, differing from each other both in religion and politics, would scarcely be presented in its fulness without some reference to a short measure passed immediately after the restoration of patronage. It was an Act to restore "The Yule Vacance." This was the name by which the Christmas vacation of the supreme courts was known in Scotland, and under which it was suppressed at the Revolution,—the observance of Christmas being offensive to primitive Presbyterian opinions, as savouring of Popery. As if it were even to render the offence also a little more bitter, the old Scots name of the holiday was withdrawn, and the English expression of "the Christmas vacation" was put in its place.

Before the death of Queen Anne the Presbyterians were alarmed by hearing of what seemed to be the next step to a complete clerical revolution, in a plan for devoting the revenues of the bishops, in the hands of the Crown, to the unbeneficed Episcopal clergy ; but if such a plan was entertained, it made little progress to completion.<sup>1</sup>

As if by a perverse fatality, the means was found of giving offence to Scotland so far out of the usual path towards such effects as a question of peerage. On the 12th of December 1711, it was noticed in the House of Lords that, in the list of peers given in by the Garter King-

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<sup>1</sup> It is stated in some of the historical works on this period, that the plan was carried out ; and in others, that a bill to effect it was brought in and lost, or dropped. There was little control over the application of the bishops' revenues, and it would be difficult to say how they may have been distributed. But in the parliamentary journals, the only measure relating to them has the appearance at least of being directed to inquiry and restraint. On the 7th of June 1714, leave was given by the Commons for a bill "to appoint commissioners to inquire into the value of the rents and revenues which belonged to the archbishops in that part of Great Britain called Scotland ; and into the value of all grants and alienations of the same, since the year 1689 ; and to what uses, and upon what considerations, the same have been granted." The bill passed the Commons, and went to the Lords, where, on the 8th of July, a second reading was fixed ; but the measure seems to have been then dropped. The inscrutability of this fund was censured in the report of the Public Accounts' Commission, mentioned in connection with the charges of bribery against the Union statesmen.



at-Arms, there was among the dukes the name and title of James Hamilton, Duke of Hamilton and Brandon. It was maintained that this creation was an infringement of the privileges of the English peerage, and the question gave rise to a hot debate. What rendered it significant as a political, if not a national question, was that the Duke of Queensberry had been created Duke of Dover, with the usual gradation of subsidiary titles, in 1708, and that the event had passed unnoticed.<sup>1</sup> It was evident, in the Duke of Hamilton's case, that it was not the fastidiousness of the English peerage, but the sensitiveness of a political party, that suggested a stand against the Scots magnate having, by patent, a seat in the House of Lords. The majority of the hereditary branch, as a natural result of the Revolution and the reign of King William, were of Whig or Revolution Settlement politics. The ministry notoriously wanted aid in that House; and when the Duke of Hamilton's patent appeared, it was said that the independent aristocracy of England were to be inundated with a horde of servile and sordid peers of Scotland, converted, by a patent and a scarcely perceptible difference in nomenclature and position, from a species of titled yeomen in their own country, to be the august holders of the balance of parties in the imperial Parliament. These apprehensions were not utterly groundless. The peerage were quite justified in expecting some great stroke to invert the internal strength of parties among them. Three weeks did not elapse after the notice taken of the Duke of Hamilton's patent, ere that creation of twelve peers at once—which has had as much effect as either the Treaty of Utrecht or the Patronage Act, in rendering the Tory ministry of Queen Anne memorable—occurred. The opposition in the House of Lords effectually prevented the Duke from taking his seat as a British peer; and his tragic fate, connected with the same party contests, gave a solemn, and, as some deemed it, a monitory conclusion to a contest in which nations

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<sup>1</sup> Created Baron of Rippon, Marquis of Beverley, and Duke of Dover, 26th May 1708

were shaken about a title and a tinsel décoration. But there was in the whole dispute, and in the method in which it was conducted, matter of offence to Scotland, which, by being restlessly and ingeniously stirred, was made formidable.

The latest parliamentary contest in which Scots interests came prominently forward, appeared to involve no less a result than the dissolution of the Union. Its source seemed trifling, but it was on taxation, where trifling things grow. It was a question of a tax of 6d. per bushel on malt. It was maintained that the tax would not only be oppressive to Scotland, but would introduce new fiscal outrages on the habits of the country, in addition to those already inflicted. An effort was made to show that it infringed the Union, founded on an equivocal condition in the fourteenth article of the treaty, that Scotland should not be subject to a malt-tax during the existing war. A sort of compromising view was thrown out from the ministerial bench, that though it was necessary on principle to bring Scotland under the tax, that part of the empire might be passed over in its collection; and, indeed, this was the policy afterwards followed, so that the contest did not pass northwards until the duty was partially enforced ten years afterwards. In the mean time, however, the Scots members fought the battle of exemption vigorously in Parliament, and were angry in their defeat, for the third reading was carried by 197 to 52.

Being a supply bill, it was not to be directly fought in the House of Lords, but its justice was debated under a motion by Lord Findlater, on a bill to dissolve the Union, brought in after several meetings of the Scots members had been held. Its most marked supporters were the Duke of Argyle and his brother, Lord Ilay; and as no men were more zealous for a united government under the house of Hanover, it is not unlikely that they expected, in the heat of this contest, to drag forth some of the secrets of the Jacobite party. The House did not muster largely on the occasion, and the most remarkable feature in the contest was the closeness of the division. In fact, the numbers present were equal—54 on either side; and the mo-

tion was lost by a majority of 3 on the proxies, which stood 13 for repealing the Union, and 17 against it.<sup>1</sup>

The question, how far the queen and her immediate advisers desired to make a path for the son of her exiled father to reach the throne, is not a merely Scots question, but belongs to the larger field of British history. An incident, however, has been connected with this larger question, on which the Scots could not fail to feel a peculiar interest belonging to their own national household. The Duke of Hamilton was to be ambassador to Paris, and it was maintained that one whose history was so associated with Jacobitism could have been selected with no other view than an arrangement for bringing over the heir of the house of Stewart. The tragic fate of the ambassador cut off the design, if it had been contemplated, but by no means shut the question of the original intention. The fatal quarrel arose out of a matrimonial question with Lord Mohun, who was the challenger. Both the combatants were killed. It was maintained that it was no mere ordeal of single combat, but a design by the Whigs to put the Duke of Hamilton to death; and it was maintained that Macartney, Lord Mohun's second, had stabbed the duke after Lord Mohun was slain. Macartney, whether he was guilty or not, took to flight. It must be admitted that he had little chance of a fair trial, and the question lies with its fellows, deposited in the great heap of historical and judicial mysteries. This tragedy was soon followed by the death of "The good Queen Anne," on the 1st of August 1714.

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<sup>1</sup> Parl. Hist., vi. 1213-1221.

## CHAPTER LXXXIX.

## MAR'S INSURRECTION.

THE HANOVER DYNASTY—GEORGE I.—EXTERNAL QUIETNESS OF SCOTLAND—ELEMENTS OF DANGER—THE EARL OF MAR—HIS PROFFERS TO KING GEORGE—THEIR RECEPTION—HIS JOURNEY TO SCOTLAND—THE GATHERING OF THE JACOBITES—GEOGRAPHICAL ANALYSIS OF THEIR STRENGTH—GOVERNMENT PREPARATIONS FOR DEFENCE—PRESBYTERIAN ZEAL FOR THE GOVERNMENT—OFFERS OF ARMED FORCE—ARGYLE—EARLY INCIDENTS OF THE WAR—THE MACGREGORS AND THE LOCH LOMOND EXPEDITION—BRIGADIER MACKINTOSH—PASSAGE OF THE FORTH—ATTEMPT ON EDINBURGH CASTLE—LEITH FORT—MARCH SOUTHWARD—RISING OF WINTON, KENMURE, AND NITHSDALE IN THE SOUTH—MARCH INTO ENGLAND—LANCASHIRE—FOSTER AND DERWENTWATER—BATTLE OF PRESTON—WAR IN THE NORTH—SHERIFFMUIR—ARRIVAL AND DEPARTURE OF THE CHEVALIER—BREAKING UP.

AN order of the Lords of the Regency to proclaim King George arrived at Edinburgh on the 4th of August, at midnight, addressed to the Earl of Ilay, Lord Justice-General. Next day the proclamation was made at the market-cross with great solemnity and magnificence. The day was fine; there were processions, rich in brilliant uniforms and gay liveries; troops were paraded; bonfires blazed; the bells rang; the people shouted; and over all the lesser joyful sounds boomed now and then the great guns of the castle.<sup>1</sup> The great Whig nobility, who seem to have been clustering round Edinburgh, gave dignity and

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<sup>1</sup> Rae, 63—who says “the author was present at this great solemnity.”

lustre to the occasion; and the list of those who appeared at a moment's warning to join the procession, shows how large a proportion of the Scots peerage still lingered near the ancient capital.

Some small precautionary arrangements were made—the trifling bodies of troops dispersed in the provinces were concentrated in Edinburgh, and the fortifications of the castle were increased by a drawbridge and moat. A number of half-pay officers, selected chiefly from the Scots regiments, were directed, under General Wightman, to be ready to head the local volunteers or other troops who might be enrolled for the defence of the Government. The prevailing calm was occasionally interrupted by rumours of the marching of armed men from the interior Highlands towards the passes, or the gathering of assemblages of Jacobites; but those who met finding themselves isolated in small bodies, timeously dispersed to their homes. Near Inverlochy a small party appeared in arms, but dispersed without fighting, when threatened by a detachment from Fort William.

Within doors there was a certain amount of noisy convivial ebullition of Jacobite feeling, and many deep goblets were drained to “the king over the water.” In some instances these convivial manifestations were, in the excitement and hilarity of the moment, obtruded on public notice; and a party of young men were tried by the Court of Justiciary, and fined £50 each, for having distributed the contents of a stoup of liquor on the High Street of Edinburgh, and drunk the Pretender's health, accompanied with music and dancing.<sup>1</sup> It became frequent with these noisy bacchanalians, when their convivial parties were sufficiently large, to sally forth into the streets at midnight, and proclaim King James VIII., a practice which sorely vexed the sober and sleepy Whig burgesses, but in itself augured little danger. On occasions of public amusement, when the gentlemen of a Jacobite neighbourhood came together, much political excitement mingled itself with the other appropriate exhilarations. Thus at Lochmaben, the gentle

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<sup>1</sup> State Trials, xvii. 1.

men of Dumfriesshire proclaimed "King James VIII." to a considerable multitude assembled by the attractions of a horse-race. The conduct of those great landowners, who were notoriously Jacobite, was, of course, pretty accurately watched by the Government, which, in some instances, had recourse to precautionary coercion, at other times employed a sort of friendly dictation, requiring them to keep their motions within sight of the law if they desired to avoid its coercive interference. Thus one or two Highland chiefs, including MacDonald of Sleat, were made prisoners, charged with intrigues against the Government; while the Duke of Gordon was required to remain in Edinburgh, and Lord Seaforth in his own castle.<sup>1</sup> Lord Drummond, on an attempt being made to arrest him, escaped. Lockhart of Carnwath, with whom we have already had ample acquaintance, was arrested, and bailed more than once, and by his own account was very accommodating in his endeavours to live wherever and in what manner the Government desired him.<sup>2</sup>

The crafty old Earl of Breadalbane, feeling that, whenever suspicion was alive, *he* would naturally be its object, retired to one of his mountain fastnesses, whence, while it appears to have been considered impracticable to dislodge him, precautions were taken against his escaping, by parties being stationed at the neighbouring passes.

A singular incident occurred during the proclamation of George I. at Glasgow. A small detachment of the crowd present on the occasion proceeded to the church of an Episcopal clergyman where the English liturgy was used, and tore it down. The perpetrators had dispersed and disappeared ere the authorities could reach the spot, and were never discovered, though the matter was brought before the Lords of the Regency, who specially instructed the Lord Advocate to pursue a strict inquiry as to this outrage, of a kind which had, for some years past, been frequently scandalous in the west. The Jacobites naturally referred to the incident as an illustration of the

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<sup>1</sup> So it is stated, but in a rather confused shape, in Rae's Narrative, 77.

<sup>2</sup> Lockhart Papers, i. 491.

insubordinate intolerance of the Hanoverian party; but it was remarked, among the other singular circumstances attending the occurrence, that the clergyman, Mr Cockburn, had retired the day previously with his family and effects to Edinburgh, as if desirous, not only to secure his safety, but to avoid witnessing the scene he anticipated; and there were not wanting those who inferred that the incident was arranged and carried out for the purpose of casting scandal on the Government party.

At the elections for a new Parliament, the Whigs and Presbyterians, discovering that the Jacobites were far more earnest and united in dissatisfaction with the Union and the new fiscal policy than themselves, postponed these questions to a united effort against the common enemy.<sup>1</sup> Hence the contribution from Scotland in the Parliament which met on 17th March 1715, showed a large majority in favour of the Hanover succession. The sixteen peers selected by the Government, of whom the Duke of Argyle brought a list from London, were all accepted and returned by the Scots lords.<sup>2</sup>

A like spirit came forth among the clergy of the Establishment. At the sitting of the General Assembly, in May 1715, though there was a formal testimony on the grievances of the Church, the most conspicuous proceeding was a confirmation of the deposition of two northern clergymen, who had failed to observe an injunction from the Church to keep the 20th of January as a day of thanksgiving for his majesty's accession, and had not prayed for the king by name.<sup>3</sup>

The motives of those who resolved to break in upon this peaceful adjustment of the Revolution succession will ever be matter of dispute, both in the leading party principles and the conduct of individual men. Ostensibly,

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<sup>1</sup> Tindal, ii. 412.

<sup>2</sup> Tindal (ii. 416) finds it difficult to account for Lord Belhaven, the opponent of the Union, having been on the Government list; but his difficulty arises in a mistake. That Lord Belhaven did not long survive the measure from which he predicted so many calamities, and died in the year 1708.

<sup>3</sup> Index to Unprinted Acts of Assembly.

the contest lay between parliamentary succession and the divine right of legitimacy. But, however others might be influenced, we know that he whose name has achieved an evil renown as the leader in the insurrection was influenced by the basest motives that can prompt political action—greed of place, power, and emolument, mortified ambition, and revenge. While George was waiting in Holland, preparing to pass over and take possession of the majestic throne that had been reserved for him, he received a letter from the Earl of Mar, clothed in the most expressive terms of loyalty and devotion. He said—"Your majesty shall ever find me as faithful and dutiful a subject and servant as ever any of my family have been to the Crown, or as I have been to my late mistress the queen;" and with other asseverations in a like strain, concluding—"As your accession to the crown hath been quiet and peaceable, may your majesty's reign be long and prosperous: and that your people may soon have the happiness and satisfaction of your presence among them, is the earnest and fervent wishes of him who is, with the humblest duty and respect, your majesty's most faithful, most dutiful, and most obedient subject."<sup>1</sup>

But this was not all. He desired to appear as one who had far wider powers, whether for friendship or for enmity, than any other peer or chief in the United Kingdom; and, to sustain him in this position, he held in his hands a document by which a large body of the Highland chiefs empowered him to lay their homage at the feet of the new sovereign, to assure his majesty of their desire to be faithful subjects of the Hanover settlement, and to favour them with his statesmanlike counsel how best they might

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<sup>1</sup> The authenticity of this document does not appear to have been ever questioned. In the *Annals of King George, 22*, it is preceded by the remark—"Which letter, because it was so contrary to his subsequent proceedings, his majesty thought proper to suffer it to be made public." May we conclude that the shape of its being so made public is in a curious little pamphlet, called '*A Letter from the Earl of Mar to the King, before His Majesty's arrival in England, with some Remarks on my Lord's subsequent Conduct; by Sir Richard Steele—1715*'?



fulfil the duty of good subjects.<sup>1</sup> The names attached to this document represented a considerable surface of territory in the north Highlands, including the MacDonalds of Glengarry and Keppoch, MacPherson of Cluny, Sir Donald MacDonald, Lochiel, MacLean, Grant of Glenmoriston, the Laird of MacIntosh, and MacKenzie of Fraserdale, who believed himself entitled to offer the allegiance of the Fraser clan.

This document was adduced after the Rebellion as an instance of the perfidy of the Highland chiefs. These were not in their political ideas the models of patriarchal simplicity and "ancient faith that knows no guile" that they have been represented to be. They were rough-handed men, and somewhat unscrupulous, whether in their feuds among each other, or their political partisanships. But in their plots and hostilities they were followers of the instinct of their nature and the custom of their district. Their tempter, who led them into his bloody game, belonged to the centre of all civilisation, courtesy, and honourable aspiration. He was the accomplished courtier and minister, the friend of Bolingbroke, Wortley, and Pope.

It is generally stated that a loyal address, in the spirit of the letter to Mar, was prepared by his brother, Erskine of Grange, and signed by the chiefs, to be presented by Mar to King George; but that the new monarch refused

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<sup>1</sup> "We must beg leave to address your lordship, and entreat you to assure the Government in our names, and that of the rest of the clans, who, by distance of place, could not be present at the signing of this letter, of our loyalty to his sacred majesty King George; and we do hereby declare to your lordship, that, as we were always ready to follow your directions in serving Queen Anne, so we will be now equally forward to concur with your lordship in faithfully serving King George. And we entreat your lordship would advise us how we may best offer our duty to his majesty upon his coming over to Britain; and on all occasions we will beg to receive your counsel and direction how we may be most useful to his royal Government." This, like Mar's letter, is to be found in the *Annals of King George*. It does not appear to have obtained publicity until after the Rebellion had broken out. It is reprinted in *Rae*, 87; *Collection of Original Letters*, &c., 5.

to receive a document which he believed to have been drawn up at the exiled Court.<sup>1</sup> This address, if it ever existed, probably suffered in the common disaster of the general effort by the Tory party to gain the confidence of the new king. It is part of the history of the British empire at this point that the new king counted the ministry of the late queen as his enemies; that in his ignorance of the constitution of the states he came to rule, he failed to treat them with the constitutional courtesy due to those who are passing from power into opposition; and thus war was declared against the Tory party at once by general dismissal and partial impeachment. Hence Mar was dismissed from his office as Secretary of State for Scotland, and succeeded by the Duke of Montrose. This official revolution occurred on the 24th of September 1714.<sup>2</sup> Mar lingered, however, for nearly a year round the Court. Perhaps he still enjoyed hopes of returning sunshine; and it is somewhat worthy of notice that, in the year preceding the Hanover accession, he had united himself to a great Whig house, by marrying Lady Frances Pierrepont, second daughter of the Duke of Kingston, and sister of the more renowned Lady Mary Wortley Montague.<sup>3</sup> We may be certain that a man of Mar's temper and opinions calculated on political advantages from this union: we may take it indeed as the indication of a steady purpose to seek his fortune in the prospects of the Whig party, from which he was not to be easily shaken.

It is reported in the ordinary histories of the period, that on the 1st of August 1715, he attended a levee at Court.<sup>4</sup> It was on the evening of the same or of the following day, that, disguised as a humble workman, he embarked, along with Major-General Hamilton, Colonel

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<sup>1</sup> See Scott's *Tales of a Grandfather*, chap. xvi.

<sup>2</sup> Salmon's *Chronological Historian*.

<sup>3</sup> See this mentioned in the introductory anecdotes to Lady M. W. Montague's works. Some allusion will be found farther on to Lady Mar and her sister, in connection with the mysterious history of Mar's sister-in-law, Lady Grange.

<sup>4</sup> See Lord Mahon's *History*, 3d ed., i. 145.

Hay, and two servants, on the Thames, in a coal-ship, on her return passage to Newcastle.<sup>1</sup> There he hired a vessel from a man named Spence, and entering the Firth of Forth, landed at the village of Elie, in Fifeshire. Among the numerous gentry of that county he found several friends of his new cause. He soon collected a small band of retainers ; and on the 17th of August passed the Tay with forty horse. In the course of his journey northwards, he issued intimations to the chiefs on whom he could rely, to join him in a great hunting party in his forest of Mar, and had personal interviews with those whose estates lay near his route. Among the more important of those whose names are not subsequently mentioned as present at the great gathering, were Bethune of Balfour, whose house was the first he entered in Scotland, Robertson of Strowan, and Gordon of Glenbucket.<sup>2</sup> This rapid gathering together of many men from the extremities of Scotland, over vast tracts of then roadless wilds, shows that his friends had been prepared for him. Crossing the Grampian range to his own "country" as it was called, he passed through his forest of Mar, and went on northwards to his chief fortalice of Kildrummie, on the banks of the Don, one of the great Gothic fortresses of the period of the English invasion. Here he arranged for the great hunting match, or tinchel, at Braemar, on the 26th of August.

We have seen that the tinchel was the occasion of great assemblages in the Highlands, and years earlier the rumour of such a gathering had raised a suspicion of what was intended. It conformed to the occasion that the men of Athole should gather from all their quarters, and, crossing the ridges of mountains on the south and west, concentrate themselves in the valley of the Dee, where they met the men of the Braes of Angus, under Lord Southesk ; the Drummonds, from the intermediate districts of the Perthshire Grampians ; the Breadalbane men from the far west, and the Gordons and MacKenzies from the north.

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<sup>1</sup> *Annals, &c.*, 25 ; *Rae*, 187.

<sup>2</sup> See *Deposition of the Earl's Valet—Original Letters*, 18.

Braemar was a spot well chosen to enable a large body of conspirators to conduct their operations in tranquillity. Of the few Government forts which had been erected in the Highlands, none were near this spot. It was indeed separated by lofty mountain-ranges from the great Highland straths which, as containing the clans most distinguished by disaffection, had chiefly attracted the alarm and attention of the Revolution Government. Before the Highland roads were constructed, the glen was accessible to ordinary troops only from the east, and in that direction the nearest town was Aberdeen, distant sixty miles. How far the ostensible object of the assemblage was actually followed up by a tinchel of the deer, the contemporary accounts are too much occupied with the serious business of the occasion to specify. A general council was held on the 26th of August. Tents were erected round the old castle to accommodate the followers of the chiefs. According to one who had ample means of knowing the transactions of his party, the number thus assembled amounted to but 800 men.<sup>1</sup>

But one so well acquainted as Mar was with the statistics and resources of the Highlands, could easily calculate the unseen numerical resources of each powerful chief whose adhesion to the cause would in the end bring with him all his race. Among these appeared Tullibardine, the Duke of Athole's eldest son, whose sway began where that of the Earl of Mar ended, stretching from the southern borders of Inverness-shire to within a few miles of the gates of Perth, and towards the west bordered by the territories of the Breadalbane Campbells, whose dubious chief was represented at the assembly by Campbell of Glenderule. Thus two men represented a tract of country stretching from Mar's own territory to that of the great enemy of the Jacobite cause, Argyle; while interstices along the borders of these territories were represented by Lords Southesk, Stormont, Drummond, and Ogilvie. On the other side, adjoining to the northern border of the territories both of Mar and Athole,

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<sup>1</sup> Marshall Keith's Autobiography, 11.

were the lands of the Gordons and their dependencies, stretching northwards to Moray. The Marquis of Huntly, son and representative of the Duke of Gordon, was present, ready if he saw fit to pledge the allegiance of the inhabitants of this district to the cause. Their neighbours, Lord Seaforth and the chief of Glengarry, dividing between them the empire of the north-western district of Inverness-shire and western Ross, were there to throw their respective tribes, eminent for a long series of bloody feuds against each other, into the same scale, should it seem expedient. Among the others who, many of them probably with larger rent-rolls, were to be counted secondary in the relative amount of their following, were the Lords Nithsdale and Traquair, who held estates on the Border, and the Earl Marischal, then in the bloom of a youth full of future promise, which was fulfilled in spite of the early mistake of his life. He was accompanied by his neighbour as a lord of the eastern coast—the Earl of Errol; the Earls of Carnwath and Linlithgow; the Viscounts Kilsyth, Kenmure, and Kingston; and the Lords Rollo, Duffus, Strathallan, and Nairn, with the Lairds of Auldbar and Auchterhouse. It will be observed that these were not Highland neighbours naturally meeting each other at the time like country gentlemen in the hunting-field, and their presence betokened other business in hand. It is stated by the annalist, that there were also present “twenty-six gentlemen of interest in the Highlands, whose names we have not had opportunity to get a list of.”<sup>1</sup>

The contemporary annalists have given the terms of an address by Mar to the assembled chiefs, along with other particulars, such as the astounding announcement that there was a military chest of £100,000 at the disposal of those who were to rise. An announcement that must have been felt as momentous was made before their consultations came to an end—the death of Louis XIV.

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<sup>1</sup> See Annals, year ii., 25. But Rae, in reference to the list given by the annalist, says, he “doubts if some of them were there.”—P. 189.

Whatever effect this had, the result of many consultations in Braemar and elsewhere in Deeside was to raise the standard of insurrection.

That ceremony was performed at Braemar on the 6th of September ; and the scarcely distinguishable ruin of an old tower, on a rocky eminence overlooking the turbulent torrent of the Cluny where it tosses itself into the Dee, is still pointed out as the spot so distinguished.<sup>1</sup> Religious solemnities graced the occasion.<sup>2</sup> But tradition, and a well-known song of the period, record that a petty incident—the fall of the gilded ball at the top of the flag-staff—more than neutralised, in the Celtic mind, the influence of these propitiatory observances.

Considerable mystery invests the conditions under which Mar appeared as commander-in-chief of the insurgent forces in Scotland, and the extent to which he arrogated and possessed a commission, or other credential document, from the exiled Court. It has been said that he produced such an authority to the assembled chiefs, and that it must have been forged. It has been said, that he had no fuller authentic authority than some letters from the prince, which he had obtained before he had decided on changing masters, and which necessarily reflected the dubious and cautious tone of his own communications ; while others have asserted that he had no better credential of authority than a portrait of the prince he represented. In the very earliest documents issued by him, we find that he arrogated the chief command, as conferred on him by the prince ; while he spoke of the official oppression to which the country had been subject during the late administrations, as if unconscious that he had long been a minister of the Crown, and an author of the oppressions, if there were any. In a proclamation to his own tenants of Kildrummie, calling them to join his

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<sup>1</sup> The gaunt, turreted building called Braemar Castle, about a mile and a half from the spot here mentioned, must not be understood to have had any connection with these proceedings. Though of an apparently earlier style of architecture, it was erected by Government after the Rebellion of 1715.

<sup>2</sup> Deposition of the Valet, 19.

standard, as if dubious how far the commission arrogated by him might be admitted, he may be noticed evidently endeavouring to prop its authority by something resembling a vote in its favour by the assembled chiefs.<sup>1</sup>

Another remarkable document of the same date, the 9th of September, indicates that he had issued some military orders on the 1st of that month, and consequently before the raising of the standard. The document is addressed to "the king's forces in Argyleshire," and refers to the instructions he had given them to embody themselves on "the first of this instant September." The instructions thus issued, before the insurrection had been decided on, were preparatory to a very bold movement, which, had it succeeded, would have been considered as judicious as bold—the seizure of the Duke of Argyle's fortified mansion of Inverary, that it might be garrisoned and kept for the prince.<sup>2</sup>

Yet it is but justice to Mar's character to say that, in his instructions for the attack on his great enemy, he showed a certain sense of generosity or moderation. Perhaps to the polished courtier there was something, even when he had resumed his character of a Highland chief, repulsive in the idea of burning and sacking the dwelling-house of a man with whom he had often adjusted details in council or at committee, walked in the Mall, or drunk at Wills' coffee-house. He wrote to his agents on the 4th of October—a date which shows how little progress had

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<sup>1</sup> "Our rightful and natural King James VIII., by the grace of God (who is now coming to relieve us from our oppressions), having been pleased to intrust me with the direction of his affairs and the command of his forces in this his ancient kingdom of Scotland; and some of his faithful subjects and servants, met at Aboyne—viz., the Lord Huntly [then follows a selection from the names already given], and myself—having taken into our consideration his majesty's last and late orders to us, find, that as this is now the time that he ordered us to appear openly in arms for him, so it seems to us absolutely necessary for his majesty's service, and the relieving of our native country from all its hardships, that all his faithful and loving subjects, and lovers of their country, should with all possible speed put themselves into arms."—Col. of Orig. Let., 15.

<sup>2</sup> Col. Orig. Let., 12.

been made in following his earlier instructions—saying that the acquisition of the castle is of increased moment, from the arms deposited in it. He desires the capture to be carried out as rapidly as it can be without destruction, recommending blockade rather than storm. “I shall not,” he says, “begin with burning houses, so I hope you will have no occasion of doing that with the house of Inverary; and though you may threaten it, you must not put it in execution till you acquaint me, and have my return.”<sup>1</sup>

Looking to the rough hands to which he had committed this service—Drummond of Bahaldie, and Rob Roy, with his MacGregors,—it was doubly necessary to inculcate moderation. But the castle enjoyed an immunity, for which it had not to thank the enemy, in the circumstance that Rob Roy was in the duke’s pay and interest, and in perpetual communication with him.

There were others, with stronger claims on his generosity, to whom the conduct of the earl was less considerate—his own followers. They seem scarcely to have responded to his summons with the ready zeal of the clans. A large body of them, in fact, though living in a mountainous country, were men of Lowland race, whose hatred of the Celt exceeded that of the average Lowlander, because they suffered more from his predatory operations. It was natural that they liked not such allies, and that it raised their wonder to find their lord—an ex-Secretary of State—in league with them. However it was, they were reluctant to rise; and Mar in the end of a long threatening proclamation directed them to be told, “if they came not forth with their best arms, that I will send a party immediately to burn what they shall miss taking from them; and they may believe this or not only a threat, but by all that’s sacred, I’ll put it in execution, let my loss be what it will, that it may be example to others.”<sup>2</sup>

The chiefs dispersed to raise their men; some who had followers with them marching off in small military parties.

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<sup>1</sup> Col. Orig. Let., 49.

<sup>2</sup> Ibid., 14.



While the gathering proceeded, the accession of James VIII. was proclaimed by the more conspicuous of the leaders, at the market-crosses of the northern towns, and at several other places. This service was performed at Aberdeen by the Earl Marischal; at Dundee, by one bearing the appropriate title, Graham of Claverhouse; at Montrose, by the Earl of Southesk; at Perth, by Colonel Balfour; and at Brechin, by Lord Panmure—an important accession to the cause, who brought with him the district stretching from the low country of Forfar up to the Braes of Angus, where it touched the territories of Tullibardine on the one hand, and of Mar on the other. Brigadier MacIntosh of Borlum was deputed to make the proclamation in Inverness, and he took advantage of this opportunity to perform a more important service. The strong Castle of Inverness, standing on a mound commanding the town on one side, and the bridge across the rapid Ness on the other, he found unoccupied, and he immediately garrisoned it with 500 men. Thus easily did the rebels obtain the *tête-de-pont* between the Ross and Sutherland Highlands and the east coast, an acquisition rendered the more important, as it might afford the means of bridling the powerful Earl of Sutherland, who was inimical to their cause. How the acquisition was lost, nearly as easily as it had been gained, we shall hereafter find.

It is now necessary to look to the preparations made by the Government against the coming and imminent danger. In the first statute bearing the title of George I., Parliament provided for the payment of a reward of £100,000, previously voted, to any one who should secure the Pretender on his attempting to land in Britain. The reward offered by the late Tory ministry of Queen Anne was £5000, and the difference is referred to in the Act, evidently that it may stand as a measure of the superior zeal of the loyal Parliament.<sup>1</sup> On the 16th of July 1715, the Commons addressed the Crown on the necessity of putting

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<sup>1</sup> The Act is called "An Act for the better support of his majesty's household, and of the honour and dignity of the crown of Great Britain."

into immediate and vigorous execution the laws against persons concerned in "rebellious and tumultuous riots and disorders;" the removal of disaffected magistrates, and the compensation of sufferers by riot or outrage. After a general answer to this address on the 20th, the king attended at the House of Peers, where he delivered a speech, calling on Parliament to make provision so "as not to leave the nation, under a rebellion actually begun at home, and threatened with an invasion from abroad, in a defenceless condition." On the same day he gave the royal assent to the Riot Act—still in existence with some late and slight alterations, as a material part of our constitutional law.<sup>1</sup>

On the 26th July, it fell to the lot of Walpole, whose star was rising rapidly among the Whig statesmen, to move an address to the Crown on the state of the national defences, recommending that preparation should be made against the coming danger. The resolution was carried without a division,—the Commons heartily assuring the executive of the necessary supplies.<sup>2</sup> The Government, thus fortified, proceeded to add seven thousand men to the army, in the shape of thirteen regiments of dragoons, and eight of foot.<sup>3</sup> But this was not an operation to be accomplished at once in such a country as Britain; and it was necessary in the mean time to look in the face the alarming fact, that the whole disposable force in the island only amounted to eight thousand men. As the danger chiefly dreaded was an invasion, nearly all the increasing force, as it became available, was distributed for the protection of the east coast of England; and in Scotland, where subsequent events showed that the real danger lay, the Government added nothing to the slender military establishment which had for some time past been distributed through the country.

At the same time, one of those precautionary measures of State necessity was adopted, which are generally called the suspension of the Habeas Corpus Act.<sup>4</sup> It provided

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<sup>1</sup> 1 Geo. L., c. 5.

<sup>2</sup> Parl. Hist., vii. 113.

<sup>3</sup> Tindal, ii. 433.

<sup>4</sup> "An Act to empower his majesty to secure and detain such persons

that all persons imprisoned on or after the 23d of July, at the instance of the Privy Council, for treasonable offences, should enjoy no privilege of being bailed or brought to trial until the 24th of January 1716. The suspension thus lasted for six months; and in Scotland it operated by nullifying, during that period, the Act of 1701, which corresponds to the Habeas Corpus Act of England, in giving a person who is accused and imprisoned the means of bringing the justice of his detention to the issue of a trial.

On the 30th of August—just a week before the raising of the standard at Braemar—an Act was passed, from which important consequences were expected, in the belief that the privileges it attached to loyalty would operate as a negative instrument for the suppression of Jacobitism. We have seen that in Scotland the feudal hierarchy assumed a very symmetrical shape in gradations of superiors or seigneurs and vassals, the same person often standing in both capacities. It occurred to some ingenious lawyer, that this division of interests in the soil might be the means of reciprocal reward and punishment, by making the whole estate the prize of that party who should remain loyal while the other was a rebel. Accordingly, when a Crown vassal became guilty of high treason, as a partisan of the Stewarts, the sub-vassal who held under him was immediately entitled to take his place as a direct holder of the Crown, and was thus, of course, relieved of the obligations he had incurred to the deprived superior. On the other hand, when a sub-vassal rebelled, his interest in the land, instead of being forfeited to the Crown, passed to the immediate superior, if he were a loyal man, who thus might come gratuitously into possession of the lands which he probably had, a few years previously, disposed of for a pecuniary consideration. A bribe was held out to tenants at will or on lease, who, when they were loyal and held of a rebellious landlord, were entitled to retain their holdings rent-free for two years. Whatever efficiency such an Act might have in the Lowlands where

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as his Majesty shall suspect are conspiring against his person and Government."

it was little needed, it would be nerveless in the Highlands where the danger lay. The law's decision, that the Highland vassal should become the superior, would have no further effect than a rule from the Horse Guards, that the lieutenant in the rebel army should be captain ; and as to the exemption from rent, it was a small bribe in districts where none was paid, save in the form of warlike services or special aids, raised, like parliamentary supplies, by something like a general vote of the clan.

In Scotland, where corruption of blood was not part of the law of high treason, and where all vested rights in persons who had not themselves been guilty, were religiously preserved, it was very often a matter of family settlement, that before the owner of an estate "went out," he devised his property, by an entail or some other convenient settlement, to a member of the family, who undertook to stay at home, or, if necessary, to give more distinct evidence of his loyalty.<sup>1</sup> To counteract such convenient adjustments, the Act provided that no entails, family settlements, or gratuitous transferences of property, made subsequently to 1st August 1714, by persons afterwards convicted of high treason, could be effective.

A commission was, by the same Act, given to the lords-lieutenant of counties, to search for arms in the custody of suspected persons, and take possession of them for the public service.

Another branch of the Act was brought into immediate but certainly not satisfactory operation. The Crown lawyers were empowered at any time between the 1st of September 1715, and the 23d of January 1716, to apply for and obtain authority from the Court of Justiciary, charging any persons who "have their estates or ordinary residence within Scotland," to appear at Edinburgh or elsewhere, and find security for their good conduct, or be subject to high penalties on failing to do so. That this part of the Act was not neglected, is evident from a list of sixty-two persons—peers, extensive proprietors, and

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<sup>1</sup> See this practice alluded to in chap. lxxv.

heads of families—against whom citations were issued.<sup>1</sup> They comprehend nearly all the names already mentioned in connection with the rising, and several others, among which are the Lord Wintoun, the chiefs of MacKinnon and Clanranald, and Cameron of Lochiel. By this abrupt test, wavering men were driven to take their side; and there is reason to believe that the Act had more effect in driving men at once to take arms with the rebels, than in bringing them over to the Government, as just two men of the sixty who were cited appeared and submitted;—these were Sir Alexander Erskine the Lord Lion-King-at-Arms, and Sir Patrick Murray of Auchtertyre.<sup>2</sup>

The Earl of Breadalbane, instead of making his appearance at Edinburgh, or professedly joining the rebels, steered a middle course, and sent a pathetic certificate, signed by a physician and the clergyman of Kenmore, testifying “that John Earl of Breadalbaine, an old infirm man of fourscore years of age, is much troubled with coughs, rheums, defluations, and other maladies and infirmities, which usually attend old age,” in so far that he could not travel to Edinburgh without apparent danger of his health and life. The document is dated at Taymouth, the 19th of September 1715. There is evidence that the hoary clan statesman appeared next day at Mar’s camp at Logierait, thus finding an assemblage which, for the sake of his health as well as other considerations, he could more safely and agreeably visit than the Lords of Justiciary in Edinburgh.<sup>3</sup>

The Jacobites, who counted on the perversity of the ultra-Presbyterians in the west, were again to be disappointed. A party of the Cameronians could not omit the occasion for lifting up their testimony against the accession of an uncovenanted king in George of Hanover; but the instincts which ever kept them true to the civil cause which gave them most assurance of religious protection, again ranged them on the side of the Parliamentary Settlement.

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<sup>1</sup> See the list in the *Annals*, 35.

<sup>2</sup> *Rae*, 211.

<sup>3</sup> *Collection of Original Letters*, 20, 21.

The Whig and Presbyterian spirit of the south of Scotland in general was rapidly aroused to energetic action. On the 1st of August, two associations were formed at Edinburgh,—the one called “An Association of men of quality and substance,” who each subscribed a specific sum in aid of the cause; and the other, of men prepared on any emergency, to “meet together, with their best horses and furniture, whether for foot or horse service, according to their abilities.” The bond of the associated subscribers of funds was drawn up with much business-like ability, and a careful eye to independent action and self-organisation. It contained the constitution of an elective directory, which, as in a joint-stock company, should make and allocate the calls on the funds subscribed, and otherwise conduct the warlike trade of this association. At the time when this assurance was subscribed, a circular intimation was issued by those who were most active in furthering its object, which, we may believe, was only transmitted to the persons likely to concur in the strong opinions expressed by it. The bond gave simple assurance of loyalty to the Hanover succession, and enmity to the Pretender or any foreign force in his interest; but the authors of the circular intimation pressed more strongly and fully the opinions which roused the members to action. Civil freedom is there asserted as the first main object of their efforts. “The prize we contend for is liberty—it is essential for our happiness.” “We do therefore persuade ourselves, it will be the business of every honest man to look up with a spirit, and do his utmost to defend and maintain our excellent constitution in Church and State,—the sum of our present happy condition, which, by the blessing of God, nothing can make desperate but our own sloth and cowardice.” Appealing to the Presbyterian feeling of those whom they specially addressed, they ask—“Can we without horror remember the unparalleled cruelties we met with when a Popish interest and faction had the ascendant? Can we forget the remarkable deliverance God wrought for us, in breaking the yoke of their arbitrary and tyrannical Government, by the great King William, in the late

glorious Revolution?" And on such grounds they say to their friends—"Court the present opportunity—get all the honest hands to it you can," so that they may boldly meet the danger, threatened "by the insurrection of a Jacobite faction, and the invasion of a Pretender to the crown, who has been educated in all the maxims of Popish bigotry and French tyranny, and now comes against us with an army of Irish cut-throats, assisted, as we have no reason to doubt, by the grand enemy to the reformed interest in Europe, who hath imbrued his hands so much in Protestant blood."<sup>1</sup> This fervour excited a corresponding response, and men and money speedily poured in on the association.

But the fervour was too strong for the new Court, where German military pedantries soon began to prevail, and a voluntary association of subjects for their armed protection was not to be countenanced. Accordingly, the loyal addresses of the association were answered by intimations that his majesty had adopted means which were hoped to be sufficient for the protection of the country, and that he desired to save his loving subjects from incurring farther trouble and expense. This cold reception did not entirely extinguish the loyal enthusiasm of the south. A new obligation of association was signed, in which, without reference to the collection of money or the organisation of troops, the subscribers simply bound themselves to stand fast by and assist one another in the support of the Hanover succession. They provided themselves with arms, and, to the number of four hundred, embodied themselves in companies under officers of their own selection, which were systematically trained as "The Associate Volunteers of Edinburgh." They subsequently performed considerable services, and it was said that, had not the jealousy of the Government damped the rising enthusiasm, Scotland would have sufficiently provided for her own defence against foes both internal and external. The people of Glasgow, whose vicinity to the "covetous, disaffected Highlanders," had in it a real danger more

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<sup>1</sup> Rae, 174, 179. The term "Irish" applied to the Highlanders.

than balancing the liability of Edinburgh to a foreign invasion, embodied a strong burgher guard, and adopted all available methods of protection. Their example was followed in Dumfries, where the young men formed themselves into a "Company of Loyal Bachelors," who, to obviate internal jealousies in the selection of commanders, were officered by married men. Very speedily, and before the insurrection began, the spirit of alarm and self-defence spread among the Whig and Presbyterian burghers of the western towns; and from the extreme south-west corner of the country, to Lanark and Hamilton, each burgh had its volunteer guard.<sup>1</sup>

The army in Scotland consisted of but four reduced regiments of foot, of 257 men each, and four regiments of dragoons, each consisting of not quite 200 men. With this meagre force, General Wightman took up his position at Stirling—a disposition happily chosen, and productive of important influence on the war. The engineering proficiency of the age had not entirely deprived the old castle on the rock of its importance as a strong fortress. Close by stood the only bridge over the Forth. Thence eastward, to where it widens into the Firth, and for many miles westward, the river, characterised in old Scots proverbial language as "bridling the wild Highlander," is not fordable; and the only passable spots between the bridge and the Highland lochs, whence the river springs in various branches, could be easily defended by small parties. To have threaded the mountain mazes beyond the sources of the river, might have been a task for Montrose or Claverhouse; but it was one which Mar did not attempt, probably deeming that it would bring him too near to the country of the great enemy of his cause—Argyle. Thus the occupation of Stirling by this handful of troops served completely to separate the northern insurgents from their friends in the south, and prevent the junction, into one body, of the forces that might collect in both divisions of Scotland. The Government, still apprehensive that the serious part of the coming struggle would occur in England,

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<sup>1</sup> Rae, 180.



yet found it absolutely necessary to strengthen the forces in Scotland, and added to them Stair's and Evans's regiments of dragoons—the former Scots, and the latter Welsh—with two regiments of foot from the north of England, and other two from Ireland.<sup>1</sup> Holland was required to send over the contingent of 6000 men stipulated by that country, in case of invasion or rebellion in Britain, and this addition was destined for service in Scotland. The Duke of Argyle, who held the official position of commander-in-chief of the forces in Scotland, was made general of the army to be embodied against the insurgents,—a selection of which the soundness could not be disputed. After Marlborough and Stair, he was the greatest British commander of his day. He was a great Whig statesman, whose heartiness in the cause, and matured judgment, gave confidence to the Scots Whigs; and the occasion could never be forgotten by the statesmen of the Hanover settlement, when he entered the Council-room at Kensington, uninvited and unauthorised, and, confronting Bolingbroke and Shrewsbury, planted the standard of the Hanover settlement among the hesitating if not mutinous garrison. He was a great orator, after the fashion of one who seeks less to persuade or excite, than to assure by condescending blandness where he approves, or condemn with the frown of power, and high words of authoritative censure, where he is displeased. He was Argyle—

“ — the State's whole thunder born to wield,  
And shake alike the senate and the field.”<sup>2</sup>

<sup>1</sup> Annals, 37.

<sup>2</sup> Another poetical tribute to the great chief is less known than the heroic couplet. It is not so artificial, and has natural easy beauties, not often to be found in Pope's more elaborate efforts :—

VERSUS LEFT ON LYING IN THE BED IN WHICH ROCHESTER HAD SLEPT AT  
ADDERBURY, THEN BELONGING TO THE DUKE OF ARGYLE.

“ With no poetic ardour fired,  
I press the bed where Wilmot lay ;  
That here he lived, or here expired,  
Begets no numbers grave or gay.

Beneath thy roof, Argyle, are bred  
Such thoughts as prompt the brave to lie

But he had another, and perhaps for the occasion more important, quality. At St James's or Edinburgh Castle, he was John Duke of Argyle, commander-in-chief of his majesty's forces in Scotland. At Inverary he was still what his ancestors had been, the sovereign rather than the proprietor of the territory where dwelt the remains of the people who brought over to Scotland its geographical name.

On the 8th of September the duke attended the king to receive his final instructions, and next day commenced his journey to Scotland, whither he was accompanied or followed by nearly all the representative peers, and a considerable number of the Scots members of Parliament, whose presence was considered more essential on their own estates than at St Stephen's. He reached Edinburgh on the 14th, having accomplished what was then considered a pretty rapid journey. He immediately inspected the fortifications and munitions in the castle, left instructions for its government and defence, sent such ammunition and arms as could be spared to Glasgow and Stirling for the use of loyal volunteers, and on the 17th reached Stirling, where he reviewed his little army 1800 strong.

It became the duke's first anxiety to reinforce this small band rather from the loyal burgesses of the cities, or the Whig peasantry of the western Lowlands, than from his own dependants. On these he could infallibly calculate; but the yet dubious element in the strength of the Government army depended on the zeal and the number of the volunteers. He wisely judged that Glasgow, then rising in commercial eminence close to his own door, and ever in friendly intercourse with his house in religion, in politics, and in local interests, would be the great nursery of volunteer recruits; and he had scarcely reached Edinburgh when he wrote a friendly official letter to the provost of

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Stretched out on honour's nobler bed,  
Beneath a nobler roof—the sky.

Such flames as high in patriots burn,  
Yet stoop to bless a child or wife;  
And such as wicked kings may mourn,  
When freedom is more dear than life."

the western metropolis, saying, that he understood the loyal town had "a considerable number of well-armed men ready to serve his majesty." He lost no time in desiring a body of 500 or 600 men to be sent to Stirling, under such officers as the corporation might think fit to intrust with the command. The loyal city, responding in earnest to this appeal, sent to Stirling a regiment of ten strong well-officered companies, numbering between 600 and 700 men, who all arrived in three battalions on the 19th. They were nominally commanded by their provost, who wisely deputed his duties to a lieutenant of considerable experience, Colonel Blackadder. They remained at garrison and field duty ten weeks. All their expenses, not voluntarily met by themselves, were defrayed by their corporation.

In response to another suggestion from the duke, the magistrates sent circular letters to the smaller towns, the villages, and the agricultural districts of the west, recommending that their fencible men should be embodied and concentrated in Glasgow. The first to send its complement of men was the neighbouring town, or more properly at that time village, of Paisley. On Sunday the 18th, two citizens of Glasgow had suddenly appeared at Kilmarnock, who so vividly represented the danger of the whole west country from the expected march of the Highlanders on Glasgow, that on the following morning at daybreak the people assembled, and sent a contingent of 220 men, who marched to Glasgow, followed next day by the Earl of Kilmarnock at the head of 130 of his tenantry. These are small details to those accustomed to the gigantic operations of modern warfare, but they were intimately connected with the fate of a great empire, and the addition of a few ciphers on either side, by balancing equals against equals, would not increase the relative ultimate importance of the operations. Three small garrisons of these volunteers of the west occupied posts for the protection of the Lowlands against Rob Roy's predatory clan, who, while their faith was least depended on by Mar, were of all his followers the most pernicious to the low country. The duty of one of these small parties was of great adventure and peril.

They had to occupy the house of Gartartan, near the clachan of Aberfoyle, an edifice little calculated for defence, while yet it was of great moment to keep it, not only as standing close to the entrance of the MacGregor country, but as commanding the only ford of the Forth which was not protected by Argyle's troops.<sup>1</sup>

Greenock, on the estuary of the Clyde, then a small seaport, sent forth a force equal to two well-found companies. Here, as in many other instances, the parish clergyman gave material assistance. A detachment of this force marched through Kilsyth to the camp of Stirling, where they occupied the house of Touch, an old square tower on the northern slope of the Gargunnock hills, which, overlooking the opposite banks of the Forth and the Grampian range, was well situated for watching any attempts to pass the river. To those who remained at Greenock and the villages along the Renfrewshire coast of the Clyde, a serious and perilous duty still remained—that of guarding the coast, and intercepting any attempt by the enemy to pass over from Rob Roy's country.

Among those whom the commander-in-chief addressed immediately on his arrival in Scotland, was Ferguson of Craigdarroch, in Dumfriesshire, who, with the aid of some of the clergymen and the landed proprietors of his county, brought together a body of the Whig peasantry, chiefly our old friends the Cameronians, from the mountainous regions of the western part of the county, and the upper valley of the Nith.<sup>2</sup> They were joined by the citizens of Dumfries, and made a force valuable to the Government in the district where the Lord Nithsdale declared for the Jacobite cause. In the Lowland rural districts these efforts were made at much sacrifice, as they broke in on the harvest, the great business of the year. It would have greatly encouraged and strengthened the whole had the Government been ready to equip and supply the men as they were raised; but it was remarked among other deficiencies, that when the Duke of Douglas embodied 300 men in Clydesdale, the greater part of them, from the

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<sup>1</sup> Rae, 227.

<sup>2</sup> Ibid., 230.

incapacity of the commissariat department at Stirling to meet the requisites of an increased force, remained under arms, but useless, in their own district.<sup>1</sup>

While the two forces were gathering, an alarm arose from an attempt to seize Edinburgh Castle, but it proved rather ridiculous than formidable. The project was undertaken by Lord Drummond, son of the titular Duke of Perth, who summoned to his aid a band of Highlanders from his paternal estates, to be associated with a few Edinburgh Jacobites, chiefly young lawyers and students. Their hope lay in a few of the garrison, whose assistance they thought they had secured. The attack was to be made on a part of the fortress rising from a precipice on the north-west, and close to a sally-port.<sup>2</sup> The sentinel stationed there was to let down a string from the top of the wall, to which the party without were to attach a scaling rope-ladder, to be pulled up by the sentinel, and fixed with grapnels. When the party had ascended and taken possession of the castle, they were to fire three rounds from the cannon, which, through a prearranged chain of beacon-lights, were to communicate the intelligence of the capture to Mar's army, then on its march from Braemar to Perth.

The chief danger from this attempt seems to have lain rather in the treachery or apathy of the deputy-governor, Lieutenant-Colonel Stewart, than in the practicability of the project. The 8th of September was fixed on for the enterprise. The secret fell into the hands of the wife of a physician, whose brother, Ensign Arthur, was to head the escalade, and she sent an unsigned information to the Lord Justice-Clerk, who wrote to the deputy-governor. Whether it was due to this warning or not, the patrol made its round at an earlier hour than usual. The assailing party, in the mean time, had gathered in the churchyard of St Cuthbert's, and some of them, having clambered up the rock, were in conversation with the seduced sen-

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<sup>1</sup> Rae, 232.

<sup>2</sup> The same evidently at which the Duke of Gordon held his memorable conference with Claverhouse in 1689.

tinel. A piece of rope-ladder—but too short for its purpose, because the greater part of it had been left behind,—was suspended from the rock, but the treacherous sentinel hearing the steps of the patrol, dropped it upon its owners, and fired off his piece as if aiming at them. They fled, and the danger to the chief national fortress was over.<sup>1</sup>

We now return to the Earl of Mar and his army. They marched through Moulin and Logierait to Dunkeld, increasing as they went, and, with large reinforcements received there, of Athole and Breadalbane Highlanders, they are said to have numbered 5000 men. On the 16th of September a small detachment took possession of Perth, an open town, where the cause had some friends, and there the whole army, marching by degrees, took up its headquarters. As the occupation of Stirling by the Duke of Argyle checked them towards the south, so their occupation of Perth effectually stopped all communication between the Government troops and the loyalists in the north, and constituted an advanced outpost from the Highlands, enabling the insurgent army to overawe the Lowlands, and obtain provisions from the fertile plains of the Carse of Gowrie, and the well-cultivated valleys of Strathern and Strathmore. Troops landed on the east coast, under the protection of a sufficient naval force, would have thus been the only means by which Government could have thrown armed auxiliaries among the loyalists of the north; but the available main force was, as we have seen, otherwise occupied. While Perth was thus serviceable to the rebels, it would not have afforded nearly so available a point to the Duke of Argyle as he found Stirling to be. There was no bridge over the Tay, as there was over the Forth at Stirling, giving the force in command of it the means of crossing to the enemy's territory; while, though it might have been easy to defend the whole line up to Loch Tay, it would have been impossible to guard the western passes, which were in the territories of the Breadalbane and MacGregor Highlanders.

As the funds with which Mar had commenced his

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<sup>1</sup> Rae, 198.

undertaking could not last long, it was necessary to find a fuller and more permanent source of revenue. He sent a circular-letter, dated Perth, 3d October, to those who were likely to advance money to the cause, saying: "Severals have very cheerfully lent their money towards so good a cause, and it is expected you will follow their good example." It left nothing to generalities, or the recipient's discretion, but stated the sum expected; and concluded with a gentle, but significant hint: "Since a great many substantial and worthy men have at this time ventured their all in this cause, it had been advised to use harsh means with such as withdraw from assisting in so good a cause; but the good opinion I have of your cheerful compliance in this matter, engages me to address you in this manner."<sup>1</sup> On the 4th of October a series of orders began to be issued by him for collecting the land-tax or "cess." It was fixed, in landward or rural property, as 20s. sterling on every £100 Scots of valued rent, an impost which amounted to about 30 per cent. By an ingenious distinction, the gentlemen who failed, before the 12th of October, to attend the king's standard, were subjected to double rates, so that the friends of Government had to part with 60 per cent of their revenues.<sup>2</sup> The sums payable in the shape of land-tax by the burghs, a mere nominal amount when compared with their wealth at the present day, was even then trifling. Thus, an order was issued for levying the stated contribution for Montrose, amounting to £56, 17s. 3d.; but the commander-in-chief, finding that this was far too light a burden on the comfortable burgesses, issued, on the 11th, a requisition for a benevolence, in which he *desired* that the sum of £500 sterling money be borrowed from particular burgesses of the town for the use of the army, pledging the public credit for repayment of the loan, with interest.<sup>3</sup> "The

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<sup>1</sup> Collection of Original Letters, 47.

<sup>2</sup> "Shall immediately proportion and raise out of their respective estates, the sum of 40s. sterling on each £100 Scots of valued rent." —Annals, App. 35.

<sup>3</sup> Collection of Original Letters, 52-69.

army now here," says Mar, in a letter to one of his officers, "is on a regular foot of pay, at threepence a-day and three loaves, or that quantity of meal in place of the bread, which is fully as good as the pay of the soldiers at Stirling."<sup>1</sup> Each army had the command of a printing-press, and for some time a war was carried on through this peaceful instrument more briskly than in any other form, each leader endeavouring to counteract the proclamations of the other, and assuring the people that his master was the only genuine king, and any other an impostor. In this warfare the words of the men of King James were stronger than the words of the men of King George. Thus, Argyle having said in a proclamation for recruiting his forces,—“Whereas our gracious sovereign King George has been pleased, for the better suppressing the present rebellion, to order and appoint two companies to be added to each regiment on foot;” Mar answered, saying, “Whereas, by the laws of God, the right of blood, and the ancient constitution of these kingdoms, our sovereign lord, James the VIIIth, by the grace of God, of Scotland, England, France, and Ireland, King, Defender of the Faith, has the undoubted right to the crown of these realms;” and having seen an order “published by the commander-in-chief of the pretended king’s forces in this kingdom,” for enlisting recruits, he warned all the people of the sin and danger of complying with such a rebellious mandate, and threatened with penalties those who endeavoured to give effect to it.

We have few events to record while Mar was encamped at Perth: indeed he acquired an unenviable renown for his inactivity, and neglect of the opportunities of which a bold and able commander would have taken advantage. It is possible that he may have been induced to protract his inaction by the magnificent visions of foreign aid raised by a messenger from his “king.” It is certain that military preparations were in progress at Havre, St Maloe, and other places on the coast of France, on such a scale as to require the interference of Stair, the British

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<sup>1</sup> Collection of Original Letters, p. 51.



ambassador, who reminded the Regent of the Treaty of Utrecht. If we may believe the contemporary accounts, these preparations were so extensive that they cannot have been wholly the fruit of private enterprise, but must have been aided and countenanced by the Government. A minute inventory of the arms ready for shipment, shows that they would have been sufficient for 12,000 infantry and 4000 cavalry, besides twelve brass and forty iron field-pieces, and a vast store of swords and pikes, fit for distribution among the irregular bands of Highlanders.<sup>1</sup> A considerable number of volunteers were to accompany this formidable supply of arms. The French Government interfering with their removal, and Admiral Byng's squadron watching the French coast, if so large a quantity of stores really were ready to be shipped, only a small quantity of them, smuggled out of the country, reached the camp at Perth. But as the whole east coast, from the Firth of Forth to the Moray Firth, was commanded by the insurgents, whatever vessels passed the British cruisers could land their cargoes in safety; and thus some small supplies of weapons, without which the Highlanders would have probably been very imperfectly armed, reached the camp. Mar procured fourteen cannon, some from Dundee, others from Dunnottar, a distance of upwards of sixty miles, and with the assistance of these he made an attempt to fortify Perth.

The chief occupation of the army was in levying money and raising recruits. About the middle of October, with the additions made by the MacIntoshes, Lord Seaforth, and the Marquis of Huntly, the whole disposable force under Mar amounted to 12,000 men, and before the battle of Sheriffmuir, it exceeded 16,000 men. Occasionally, small expeditions were sent to put down any attempts in favour of the Government within the district where the insurgents ruled. One expedition attracted some attention, by presenting the remarkable achievement of the capture of a vessel by means of a detachment of cavalry. The achievement was performed by that bold and unscrupulous man the Master of Sinclair; and it shows

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<sup>1</sup> See the inventory, *Annals*, 49; *Rae*, 221.

how original genius may make new paths, even in the minor operations of war. The Earl of Sutherland had proceeded to his own country, to embody his retainers, and press on the insurgents from the north. He required arms; and a considerable store, destined to supply this want, had been taken out of the Castle of Edinburgh and shipped at Leith. The vessel, unable to bear up against contrary winds, and clear the Firth of Forth with this freight, was brought to anchor near the harbour of Burntisland. The position of the vessel, and the importance of her cargo, having become known in the camp at Perth, Sinclair proceeded through Fife, at the head of 400 horse, each trooper having a foot soldier mounted behind him. Travelling chiefly in the dark, they proceeded with such silence and celerity, that at midnight they reached their destination — a distance of thirty miles. The cavalry guarded the outlets of the town, while the foot soldiers, seizing some boats in the harbour, proceeded to the vessel and boarded her without loss. The contents of this and of another smaller vessel which lay near, increased by some weapons taken in the town, furnished the rebels with about 420 complete stands of arms.

Another but less successful attempt by the insurgents, shows how effectually fortified places could have protected the country from the efforts of Highland troops. On the 17th of September a considerable body of the MacLeans, MacDonalds, and Camerons, made an attempt to take Fort William by a surprise assault. They took a lieutenant and twenty men, who appear to have occupied a separate barrack at some distance; but they were baffled in their attempt on the main fortification. This small strength, only mounting a dozen twelve-pounders, and accommodating a hundred men, remained, in the very heart of the Jacobite clans, still true to that Revolution Settlement from which it had received its name.

The condition of the country during such events, rendering outrage and plunder usual occurrences, gave glorious opportunities for those broken or chiefless clans who had no responsible leaders, to follow their favourite occupation of miscellaneous plunder. Conspicuous among

these were the MacGregors—who had been be-savaged by two centuries of exterminatory legislation ; their northern neighbours from the tragic territory of Glencoe ; and a variety of fragmentary or petty septs, not attached to any of the great chiefs ranged on the one or the other side in the conflict. They wandered about the country in bands, with no special allegiance to either party, but with a general preference for the Jacobite cause, because it was the stronger at the time, and was likewise the one to which a body of vagrant Highlanders might most legitimately profess to belong. Conspicuous among their leaders was the well-known Rob Roy. He had been a mountain-farmer, who, in his best days, had questionable dealings about cattle ; but he had now become bankrupt, had committed acts of swindling, and was outlawed and driven to the hills “a broken man.” Rob had no vehement political attachment, and little taste for unproductive warfare. He openly professed, while within the lines of Mar’s army, attachment to the insurgent cause ; but having a good understanding with Argyle, he avoided strong Jacobite manifestations, and occupied himself in the more profitable pursuit of plunder. He had under his command a band of desperadoes, who had their headquarters in the old MacGregor country—a territory in every way convenient for his purposes, since it is in itself savage and impenetrable, and yet is close to the richest districts of the Lowlands, and the most prolific in the means of plunder.<sup>1</sup>

At the commencement of October these marauders made a general seizure of the ferry-boats and other vessels on Loch Lomond, and brought them to Rowerdennan, in the centre of their own strongholds. Thus, like the sea-kings of old, they possessed a petty pirate fleet, with which they could ravage a considerable extent of Lowland coast, and they lost no time ere they made spoil of cattle and other desirable effects. Their Lowland neigh-

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<sup>1</sup> The received character of Rob Roy is curiously confirmed by documents in the Montrose charter-chest, cited in the “Third Report of the Royal Commission on Historical Manuscripts.”

bours, who were among the steadiest Whigs and Presbyterians, resolved to storm the piratical stronghold. Paisley furnished a hundred and twenty volunteers; and about four hundred assembled from the other western towns. They wisely took to their aid a hundred seamen, "well-hearted and well-armed," from a ship of war in the Clyde. On the 11th of October two men-of-war's boats, with three others, on which guns were mounted, were dragged up the rapid river Leven, which sweeps the waters of Loch Lomond into the Firth of Clyde. Thus they were set afloat on the loch, and as many as the boats could hold being stowed in them, the remainder of the expedition marched by land. If the adventurers intended to give the MacGregors a good opportunity of hiding themselves, they took every means of doing so by the noisy pomp of their approach.<sup>1</sup> On their way they were joined by forty or fifty of the Grant Highlanders, described by the historian of the expedition as "in their short hose and belted plaids; armed each of them with a well-fixed gun on his shoulder; a strong handsome target, with a sharp pointed steel, of about half an ell in length, screwed into the navel of it, on his left arm; a sturdy claymore by his side; and a pistol or two, with a durk and knife, in his belt,"—altogether, perhaps, the most brief and distinct extant account of a Highlander in full costume. Notwithstanding the presence of these Grants, the method of the expedition was very different from that of Highland warfare. When the fleet reached Rowerdennan, there was dead silence, and no appearance of

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<sup>1</sup> The author of the very curious contemporary tract, "The Loch Lomond Expedition," says: "When the pinnaces and boats being once got in within the mouth of the loch, had spread their sails, and the men on the shore had ranged themselves in order, marching along the side of the loch, for scouring the coast, they made altogether so very fine an appearance as had never been seen in that place before, and might have gratified even a curious person. The men on the shore marched with the greatest order and alacrity—the pinnaces on the water discharging their patteraroes, and the men their small-arms, made so very dreadful a noise through the multiplied rebounding echoes of the vast mountains on both sides the loch, that perhaps there was never a more lively resemblance of thunder."

human vicinity. But people possessed of so many great guns could not resist the opportunity of displaying their terrors, so they sent a ball into a hut, whereupon the historian relates that "an old wife or two" crawled out, and scrambled up the hill. Still, excepting one or two figures seen gliding along the sky-line of the distant hills, no foe was visible. To provoke a contest, the brave Paisley men and their friends mounted the rocky bank of the lake, and forming as well as they could, beat their drums for a whole hour in noisy challenge, but no enemy appeared. On their way back to their fleet they had more good fortune than their skill entitled them to, as they found the boats which the MacGregors had captured hauled up and concealed among the thick brushwood. Some of them were dragged into the water and made prize of—others were destroyed. The party returned in great hilarity and triumph, but the exulting account of their historian leads to the supposition that some deadly snare had been laid for them, and that they were utterly unconscious of having narrowly escaped extermination.

Thus losing their fleet, the marauders moved westward; but tired of pretending to fight for a cause, they dispersed in separate bands through Fifeshire, and the districts of the Perthshire lowlands best adapted for plunder. Cattle, grain, and money, were the staple objects of their transactions, which they sometimes conducted on a large scale, professing a foraging commission from Mar's army. But they frequently condescended to the more undignified resource of individual highway robbery, and many of them were very nimble in relieving stray travellers of their clothes, as many of the letters and pamphlets of the day pathetically and indignantly relate. Some portions of the costume of the period afforded little temptation to them. The coat was not objectionable, and the bonnet or cowl worn by citizen and farmer decidedly acceptable. Their chief avidity was, however, for shoes; and many are the instances where worshipful persons, such as the provost of the town or the minister of the parish, meeting some of these half-naked marauders in a casual saunter, returned home indignant and shoeless, with the assur-

ance of having a claim on his most sacred majesty James VIII. for furnishings to his loyal troops.

On the 6th of October, Mar received despatches from France, with a distinct intimation of his king's intended journey to Scotland. There is mystery as to how and when he was first authorised to act as the leader of the Jacobite cause; on this occasion, however, he obtained what he termed his "new commission," "Given at our Court of Bar le Duc, the 7th day of September 1715, and in the fourteenth year of our reign." It appointed Mar to be "our general and commander-in-chief of all our forces, both by sea and land, in our ancient kingdom of Scotland," associating with him a council, of which the names are left blank in the only copy of the document known to exist.<sup>1</sup>

While Mar remained inactive at Perth, there was a separate Jacobite organisation, of which we have seen some traces, in the south of Scotland, and a third in England. Mar had early intelligence both of the designs of his friends in the south of Scotland, and of the intended rising in England, and the bold project of passing southward with his whole force, either by crossing the Firth of Forth, or forcing Argyle's defences, had at least entered his mind, if it did not long dwell there. The increased naval force in the Firth, however, rendered a general passage in that direction nearly hopeless; and on the 6th of October he received from France intelligence leading him to believe that his king was speedily to land in the north of Scotland, where his presence, without that of his army, might be fatal to himself and his cause.<sup>2</sup>

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<sup>1</sup> In the Mar Papers. In a letter to Captain Straiton, of 12th October, in the same collection, Mar, showing that the original had such a blank, says: "The blank in my commission is not to be filled up unless there be an absolute necessity for it."

<sup>2</sup> Mar says, writing to his friend Straiton, on the 12th October: "Lord Bolingbroke tells me, that in all probability the king would land very quickly in the north of Scotland; so until we be so happy that he comes to us, or at least we hear from him again, which, by those letters I expect every day, I judge it were not prudent for me to pass the army at Leith or Queensferry were it in my power, for that would be leaving the enemy betwixt the king and us, and he

It became evident that it would serve the insurgent cause if Mar could throw a portion of his large force across the Forth to aid the smaller body gathering in the south. The English naval force, and many other difficulties, were in the way, but it was resolved to make the venture. The party destined for the purpose, consisting of 2500 men, was put under the command of MacIntosh of Borlum, called Brigadier MacIntosh, a rough-handed, unscrupulous soldier, who had gained experience in all descriptions of warfare. The preliminary arrangements were ably made. The parties occupied in recruiting, collecting the cess, and keeping the country generally in subjection along the Fifeshire borders, preserved so general an aspect of restless movement along the whole line of coast, that any concentration of activity on a particular spot was little liable to notice. The men-of-war were masters of the sea, but the insurgents were masters of the shore, and in the maritime villages, along a line of some twenty or thirty miles of coast, they seized all the available boats.<sup>1</sup> When this busy gathering of boats, and other preparations, rendered it impossible to conceal the nature of the enterprise, the English vessels were boldly invited, by an apparent concentration of boats and other craft in the neighbourhood of Burntisland, to slip their cables, wear close in, and open a fire on the fort and harbour. In the mean time, the troops intended for the expedition were brought together among the chain of small towns lining the eastern curve of Fifeshire, where the passage, from the greater width of the estuary, was naturally most difficult

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might have difficulty in passing over to us, and being in danger of the enemy; but this of passing the whole army at any of these places seems not likely to be in our power."—Mar Papers, in the collection of Mr Gibson-Craig.

<sup>1</sup> "Account of the Progress of Alexander Robertson, with Lude's Company, in my Lord Nairn's Regiment, from Burntisland,"—in the Mar Papers. It appears from this brief diary, describing the assemblage of boats and collection of meal, that Robertson of Strowan, the poet-chieftain, and Gordon of Glenbucket, who was a hard fighter, but no poet, were concerned together in the drudgery of purveyance.

and dangerous. On the night of the 12th of October, the first part of the expedition set forth in open boats, and the remainder on the following night. The movement seems to have been not detected until after the first detachment had crossed over, when the Government vessels bore down on the second fleet of boats, and so far disturbed its passage, that one portion returned to the Fifeshire coast, and another found refuge in the Island of May, lying nearly half-way across the mouth of the Firth. Only one boat appears to have been captured.<sup>1</sup> About 1600 men were thus landed on the southern coast of the Forth; and the operation of landing resembled that of departing, for as their two fleets of boats had been fitted out from several small harbours along the coast of Fife, so those of them which made the passage successfully, arrived at various landing-places along the other shore, between North Berwick and Gulane. Those who took refuge on the Isle of May found their way back to the shore of Fife next day,—an occurrence showing the comparatively lax naval practice of the age, since, in later periods of marine warfare, the incident of so large a part of the expedition slipping through their hands, would have stimulated those in command at all events to cut out the boats of the refugees in the Isle, if they did not land and seize them.

The troops landed on the southern coast of the Firth were speedily concentrated at Haddington, whence the old roads of the country would enable them, if they chose, to proceed directly to the south-western border, where

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<sup>1</sup> “On Wednesday the 12th of October, at night, some of them embarked, and others next night, in open boats, taking their course directly to the south shore of the Firth, which is there about sixteen or seventeen miles broad; his majesty’s ships in the Firth, either espying them from their topmasts, or having notice of their design, weighed anchor on the top of the flood, and set sail to interrupt them; but the wind not being fair, they were not able to come time enough to prevent their passage.”—Rae, 258. Lord Mar says on the 13th: “I have accounts from the coast of Fife, telling me that a thousand of the detachment embarked last night, and went with a fair wind and good weather; and that some more were to pass this day.”—Mar Papers.



the insurgents were gathering under Kenmure's banner. They had, however, now before them the more ambitious alternative of an attack on Edinburgh, before the Duke of Argyle could protect the town ; and their commander-in-chief appears to have been apprehensive that they could not fail to sacrifice their destined object to so attractive a temptation.<sup>1</sup>

At Haddington, the adventurers found themselves but seventeen miles from Edinburgh, with a level country, interrupted occasionally by morasses, but supplied with good roads, to be crossed ; and, knowing that the forces of Argyle were stationed at double the distance, it was not an unnatural expectation, that, by a sudden march, they might, with the assistance of their friends, take possession of the capital. Accordingly, after waiting a day in Haddington, instead of marching southward, they turned their faces to the west. But the commencement of their expedition had been sufficient to inspire double alertness into Mr Campbell, the provost, and the loyal burgesses, who immediately posted the city-guard—the trained or burgher force liable to defend the city by feudal usage—the associate volunteers, and some new levies, in a tolerable line of defence round the assailable parts of the town. Early on the morning of Friday the 14th, the sagacious provost, revolving the chances of an attack from Haddington, despatched a swift messenger to Argyle's camp, who started just as MacIntosh began his march. The messenger reached the camp at noon ; and the duke, with a skill and promptitude equal to the emergency, headed 300 chosen dragoons, and 200 ordinary foot mounted on

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<sup>1</sup> In a letter of the 13th he says : " I wish, with all my heart, that they may have gone towards Haddington, and so on south, to meet our friends who are in arms there. In my last orders to them before they embarked, I recommended this most to them, and I am now in some pain case they should not follow it, but march straight to Leith or Edinburgh ; for by the accounts I have, I am persuaded D. Argyle will immediately either march to Edinburgh himself, or send a considerable part of his army there ; but if our people march immediately south, they will be got out of his reach before he can come up with them."—Mar Papers. The letter is addressed to H——y S——n, viz., Captain Straiton.

horses, and dashed onwards to Edinburgh. At ten o'clock at night this seasonable reinforcement entered the West Port, just as the tired pedestrian troops of MacIntosh, not yet recovered from the fatigue of their adventurous sea-voyage, had reached the spot near the eastern gate, where now stands the cavalry barrack of Piershill.<sup>1</sup> Here meeting no deputation of supporters from the city, and hearing not only of the arrival of Argyle, but of the gathering of bodies of loyalists from the surrounding country, they halted, held a hurried council, and marched to Leith.

Here their good fortune, and probably the carelessness of the Government, provided them with almost every accessory which men in their position could desire or use. They easily mastered a small town-guard, and broke open the prison, whence they released their comrades who had been seized in the passage of the Firth. They then removed a supply of brandy and other provisions from the custom-house; but they were chiefly fortunate in finding a strong fort open and ready for their accommodation. It was a square work, with four demi-bastions, and a dry ditch, which had been built by Oliver Cromwell. The gates and minor defences had been removed, but the ramparts remained; and a few houses, which some of the citizens had built within the ramparts, "for the benefit of the air, as a summer's retreat," formed a commodious and available barrack for the invaders. The necessary artillery they obtained from the ships in the harbour; and having barricaded the gates and assailable points with beams of wood and carts full of earth and stone, they found themselves as securely fortified as if they had been the objects of the special care of a vigilant government. From the citadel they managed, by a very simple piece of ingenuity, to send a messenger across the Firth to their commander. It consisted in merely firing a gun from the citadel after the boat conveying the

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<sup>1</sup> Rae, 261. The author of the *Annals* states (p. 94) that the duke arrived at two o'clock in the morning, and after MacIntosh had gone to Leith.

messenger, who, being thus sent forth with a testimony of hostility, was supposed by the commanders of the cruisers to belong to the Government cause.

On the morning of the 15th, the duke, with 600 of the city forces added to his own detachment, examined the fort. He charged the garrison to surrender under the penalty of high treason, threatening to batter them with cannon, and assuring them that if any of his men were killed in the assault, he would give no quarter. The insurgents, conscious of security, answered through a bold-tongued Highland gentleman, "that as to surrendering, they laughed at it; and as to bringing cannon and assaulting them, they were ready for him: that they would neither take nor give any quarter with him; and if he thought he was able to force them, he might try his hand."<sup>1</sup> The duke was unable to enforce his threat of a cannonading, for he had neither field-pieces nor artillerymen. He found that, partly by the nature of the ground, partly by the address of the insurgents, he would be flanked at every point of attack. He marched his men back to Edinburgh; and the insurgents were, in the mean time, safe. Justly believing, however, that more effectual preparations would be made to attack them, they resolved to make a night retreat; and at nine o'clock, finding that the sky was dark and cloudy, and the tide down, they marched from their fort, along a wide expanse of wet sand and mud, where they were little likely to meet any one, and their march would be protected from distant discovery by the silence of their tread and the surrounding darkness. Their progress was diversified by some incidents, which, however tragical they might have been counted in other circumstances, were but trifles in connection with the marching of an army.

Ere sunrise they reached Seton Castle, the seat of their friend the Earl of Winton, about eleven miles east of Edinburgh. This old fortress, where Seton House now stands, was strongly protected both by nature and art. It consisted of several massive towers, built at different periods,

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<sup>1</sup> Rae, 262.

connected together by strong curtains. Although not on an elevated spot, the ground around it was broken by narrow ravines, which converted the site of the castle into a species of peninsula, which was further protected by high walls. Here the Highlanders again found themselves in garrison; and they had the advantage of occupying the centre of the most fruitful district of Scotland, whence their foraging parties plentifully supplied them with provisions. Here they were twice threatened, but not attacked. Meanwhile a pretence of a march southwards in Mar's army drew away Argyle, and MacIntosh found his opportunity.

On the 19th he marched from Seton towards the Border, not without some decrease in the numbers from the desertion of the Highlanders. They were followed by Wightman with a detachment from Edinburgh, who, keeping up the system of the campaign, did no more than seize a few stragglers, and take possession of Seton Castle, with such spoil as the Highlanders chose to leave behind them. On the 22d the Highlanders reached Kelso, and made a sort of triumphal entry into the town, there joining the insurgents of England and of the south of Scotland.

We must now turn to the history of the rising in the south, thus aided by the detachment from the Highland army. There, as in the north, the principal support of the Jacobites came from the mountain districts. The comparatively small number dispersed through the wide Lowland basin of which Edinburgh is the centre, acknowledged the Earl of Winton as their head, and held their meetings in his castle of Seton, amid the memorials of the departed greatness of his house. It was among his followers that the first blood was drawn in the southern insurrection, and the circumstances attending the event were peculiarly painful. It was known that Hepburn of Keith was preparing to join the earl's standard, and as he was much respected by his neighbours, some of them endeavoured by a sort of gentle violence to prevent him from fulfilling his intentions by bringing him under the law which required suspected persons to find security to keep the peace. One

morning, having got all in readiness for putting his foot in the stirrup, his large family were assembled at breakfast, when they were startled by the unwelcome vision of a party of the royalist volunteers, headed by two of their own intimate friends, approaching the house. Hepburn refused to surrender, called to his party to mount, and was the first to fire. It is said that he fired in the air; but whether or not he may have thus endeavoured to threaten without spilling blood, his party charged. They were met by the fire of the volunteers, and Hepburn's younger son was shot dead. In a temper little likely to disarm him of his hostility to the Government, the bereaved father fled to the western border, where the general gathering was to commence.

On the day when this tragedy occurred, the people of Dumfries were assembled in church to celebrate the sacramental fast, when one of their magistrates there received a letter from a peasant at Lochar Bridge hill, informing him that the Jacobite gentry of the neighbourhood had formed a plan to surprise Dumfries. This was followed by other premonitions. The provincial synod being then assembled in the town, the various clergymen thus brought together became a sort of adjutants for communicating with the fencible men in their own parishes, and thus a crowd of stout Whigs gradually flocked in from the surrounding districts and villages, with their broad bonnets and grey hose, some of them mounted on their plough-horses, others on foot. On the 11th, the Jacobites under Lords Kenmure and Carnwath assembled in the neighbourhood of Lochmaben, and next day performed their first feat of hostility by seizing some arms which had been stored for a body intending to proceed to the defence of Dumfries. They then marched to Moffat, a small village among the mountains, where they had made arrangements to meet the Earl of Winton and his party.<sup>1</sup>

On the evening of the day when the alarm had been given, a large, square-built, peculiar-looking man, with five

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<sup>1</sup> Rae, 250.

followers, all armed to the teeth, entered Dumfries, and sought accommodation at the best inn. Some of the party were Highlanders, and their leader might be either a Highlander or a foreigner; he was certainly not a Borderer. The suspicions raised against the party were far from being allayed, when a young member of the Athole family, who happened to be on the spot, recognised in the strange leader the deadly enemy of his house, Simon Fraser of Beaufort, the well-known Lord Lovat. A rumour immediately ran through the citizens, as a sort of partial realisation of the sudden alarm of invasion communicated to them during the day, that "the infamous Beaufort," the man who, for twelve years, had been an exile for his crimes and for his treason, was actually within the town. The magistrates could not well be blamed for taking a step, against which Lovat expressed great indignation,—placing a guard over his party; and indeed, in the midst of the wrath expressed by a follower against this "outrage," it is not difficult to see that the party felt it to be a protection against the fury of the citizens.<sup>1</sup> Their suspicions were amply justified; for, though Lovat had betrayed the Jacobite cause on more than one occasion, yet that was the party with which his whole political history had been associated, and only some untoward accidents prevented it from being the party which he was then supporting. From the period of the plot of 1703 he had lived in France. Being under the suspicion of the Jacobite Court, his motions were carefully watched by the French Government, who could, notwithstanding prudence and treaties, afford their friends of the exiled house the service of protecting them against enemies within the realm of France. Lovat made every effort to reconcile himself to the Court of St Germain, or of Lorraine, as it subsequently became, but in vain; and not finding reliance equal to his merits, he resolved to join their enemies. Queen Anne had died, and he was in the most critical period of his dubieties, when an ambassador from his clan

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<sup>1</sup> Major Fraser's Full Account. MS. in possession of Mr Richard Gordon.

proceeded to France, and attended him on his journey to Scotland, that, as the proper authority, he might decide whether the clan should fight for King George or King James. Ere he reached his native county, he had to encounter many difficulties raised by his own foul reputation ; for statesmen and magistrates might well be excused if they doubted his new zeal in the constitutional cause, and had misgivings that, in enabling him to find his way northward, they would be only transferring a bold and sagacious man to the enemies of the Government. When he was lurking in London, under considerable risk of capture as a conspirator, he discovered that the Earl of Sutherland was starting for Scotland to head his retainers, whom he led by the double title of their territorial superior, and lord-lieutenant of the county whence he derived his title. Lovat sought the earl, and as chief of the clan Fraser offered to join him in the defence of the north, representing to him the hardship of a man with intentions so favourable to the Government being branded as a traitor, and compelled to hide himself from the officers of justice. He happened to be placed in such a position that, with all his ability and all his falseness, he might serve the Government, but could not materially aid the rebels. His estate and honours were then in possession of the daughter and legal heiress of the previous Lord Lovat ; and the accompanying territorial influence over the clan was naturally claimed by her husband, Mr MacKenzie of Fraserdale. This man had joined the rebels. He was one of Mar's followers ; and his men, at least so many of them as would follow him, were then in Mar's army at Perth. It was not thought likely that Simon Fraser would be able, by his presence among the rebels, to add much to the power already thrown by his clan into that scale ; but as he was the accepted head of the sept, whatever the law said of his right to the estates, if he should chance to fulfil his protestations and oaths, and actually take the Government side, he would lead off the Fraser clan from the Jacobite cause. Such were the circumstances under which he obtained a pass from Lord Townshend to travel towards the north. The misfortune of his position was,

that to treat him as a safe man, it was necessary that all the well-affected people with whom he came in contact should know not only his engagement to betray his old friends, but the circumstances which afforded him an inducement to keep it. Such was the character and position of the man whose ominous presence, at such a juncture, passed a thrill of alarm among the loyal citizens of Dumfries.

Lovat exhibited his credentials as a loyal subject, and desired that they might be laid before the Marquis of Annandale, the lord-lieutenant of the county. The marquis was then on his way from Edinburgh to Dumfries; and as Moffat lies on the direct path between the two towns, he could not accomplish his journey without some risk of encountering the enemy. Lovat had with him one of the gentlemen of his clan, a Major Fraser, who, having undertaken to convey a message to the marquis, found him on the way, hard pressed by Kenmure and his troops. Major Fraser returned to Dumfries, and, informing the corporation authorities of the perilous position of the lord-lieutenant, a party was sent to escort him. After the marquis had entered the town, and had a courteous and partly convivial meeting with Lovat, it was disturbed by a sudden rumour that the enemy were upon them; but though it appears that a body of horse had penetrated to within a very short distance of the town, the well-prepared citizens were not actually attacked.<sup>1</sup> It is said that the insurgents entertained a full hope of taking this

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<sup>1</sup> Major Fraser's account of the surprise is as follows: "No sooner the cloth was laid on the table, a cry came to the door that the enemy was entering the town—namely, Kenmure and his party. My Lord Lovat left dinner, and came up with the Marquis of Annandale, who stood with his whole party upon a rising ground at the end of the town. The marquis told the Lord Lovat that he was very glad of his coming, seeing he had more skill to model his horse and foot, having been in the army. Lord Lovat and the major were putting them in the best order they could. Countrymen were coming in from all parts, telling the enemy was coming in this way and that way. The marquis ordered so many men, with axes, to hew down a good many trees by way of barricade. In the end, they were wearied standing there, and no enemy appearing."—Major Fraser's Narrative



important place by surprise, and that the troops who approached were not a mere reconnoitring party. In the mean time, efforts were made to fortify the town, by digging ditches and raising barricades. The insurgents, who seem, however, to have been a small body, passed on to Lochmaben, about eight miles distant, where they found themselves among friends.<sup>1</sup>

On reaching Lochmaben the insurgents raised their standard and proclaimed their king. On the 14th they marched to Ecclefechan, forming a regiment 200 strong, divided into squadrons, respectively led by Lords Winton and Carnwath, under the general command of Lord Kenmure. On reaching Hawick, it appears that, alarmed by the smallness of their force, and the general hopelessness of their undertaking, they had determined to return, and had actually marched two miles northward, when they were overtaken by a messenger, who conveyed to them information of the rising in Northumberland, and an invitation to march to Rothbury, and effect a junction with Forster's body. Proceeding immediately to Jedburgh, they received intelligence of MacIntosh's adventurous expedition across the Forth; and on the 19th reached Rothbury, where they were speedily joined by the English insurgents.

Towards the end of September, Lord Derwentwater and Mr Forster were, like several of the Scots gentlemen who adopted their cause, driven to take a side by finding that warrants were to be executed against them. After consulting with their friends in Northumberland, they held their celebrated assemblage at Greenrig and the Waterfalls on the 6th of October, whence they marched with such armed followers as they could gather to Rothbury. They entered Morpeth on the 10th, increased to a force of 300 horsemen, preferring, as there were more horses than arms in their possession, to limit their force entirely to cavalry. Mr Forster was appointed their general, and, from an early period in the outbreak, he held an active correspondence with Mar, from whom, indeed, he appears

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<sup>1</sup> Kae, 252.

to have obtained his commission.<sup>1</sup> They marched to Kelso, where, as we have just seen, they met their Highland allies, and the well-fed Northumbrian horsemen saw with some surprise the Celtic children of the mountain, with their wild eyes, matted hair, gaunt wiry limbs, loose party-coloured costume, and warlike ferocity.

Next day was Sunday, and the Episcopal service was performed "at the great kirk of Kelso, and not in the Episcopal meeting-house." The clergyman who served on this occasion was Robert Patten, who holds a distinguished place in the annals of infamy. He betrayed his cause, and gave testimony against those whose deeds he had beheld when acting as their spiritual guide and exhorter to loyalty. He boasted of this his treachery as a "duty," wherein he made all the "reparation" he could "for the injury" he "had done the Government." He afterwards wrote a history of the follies and misfortunes of those whom he had helped to seduce, by his religious persuasions, to their fatal career—dedicated to the victorious general who had trampled them down.<sup>2</sup> This servant of God, whose character has fortunately been but seldom exemplified in a profession the characteristic defects of which are not so much founded on calculating selfishness as on indiscriminating and self-sacrificing zeal,—preached to the assembled army from Deut. xxi. 17, "The right of the first-born is his;" and he recorded the observation, that "it was very agreeable to see how decently and reverently the very common Highlanders behaved, and answered the responses according to the rubric, to the shame of many who pretend to more polite breeding."<sup>3</sup>

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<sup>1</sup> Mar Papers ; Patten, 73.

<sup>2</sup> It is unfortunately necessary to rely for many of the events connected with the expedition on the narrative of this perfidious man. It is some sanction for his accuracy, that the events narrated by him were seen by many others, and his testimony must, like that of other approvers, be taken with suspicion, and guardedly relied on.

<sup>3</sup> Patten, 40. The principal service of the afternoon was conducted by William Irvine, a Scots Nonjuror, who, says Patten, "told me afterwards that he had formerly preached the same sermon, in the Highlands of Scotland, to the Lord Viscount Dundee

Next day the Jacobite king was proclaimed in the market-place, in the presence of all the troops, and with as much noise and show as the trumpets, bagpipes, and banners could produce. A document was then read, called "Manifesto by the noblemen, gentlemen, and others, who dutifully appear at this time in asserting the undoubted right of their lawful sovereign, James VIII., by the grace of God King of Scotland, England, France, and Ireland, Defender of the Faith, &c., and for relieving this his ancient kingdom from the oppressions and grievances it lies under." This document was toned to propitiate the national party and the discontented Presbyterians. Standing alone it would convey the impression that the people had been suffering under Popery and arbitrary power, since they are, under their rightful sovereign, to "have such laws enacted as shall give absolute security to us and future ages for the Protestant religion, against all efforts of arbitrary power, Popery, and all its other enemies."<sup>1</sup>

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and his men, when they were in arms against King William, a little before the battle of Killicrankie."

<sup>1</sup> After setting forth their desire to have their "laws, liberties, and properties secured by the Parliaments of both kingdoms," the signers of the declaration say, in continuation, "that, by the wisdom of such Parliaments, we will endeavour to have such laws enacted as shall give absolute security to us and future ages for the Protestant religion, against all efforts of arbitrary power, Popery, and all its other enemies. Nor have we any reason to be distrustful of the goodness of God, the truth and purity of our holy religion, or the known excellency of his majesty's judgment, as not to hope that, in due time, good example and conversation with our learned divines will remove those prejudices which we know that his education in a Popish country has not riveted in his royal discerning mind."—Patten, 41, 49. Collection of Orig. Letters. There is a MS. of the manifesto among the Mar Papers, on which some one has suggested additions which appear to have been incorporated, as they are contained in the printed copies. They consist of a series of paragraphs addressed to the army, beginning—"Our troops abroad, notwithstanding their long and remarkable good services, have been treated, since the peace, with neglect and contumely, as, particularly, in Holland; and it is not now the officers' long service—merit and blood they have lost—but money and favour, by which they can obtain justice in their preferment."

## INSURRECTION.

indeed appears to have been intended as an effort to rival, in Whig and Protestant principles, the "Association of Men of Quality and Substance," signed by the loyalists of Edinburgh. When the manifesto was concluded, the assemblage shouted,—“No Union, no malt-tax, no salt-tax!” and the troops returned to their quarters, having, for some days, little farther occupation than that of collecting money, searching for arms, and foraging.<sup>1</sup>

The three small armies thus brought together amounted to about 1400 men. They were men of various natures, with various ultimate objects, having no powerful leading mind to guide them to a steady present purpose. When project after project had been suggested and wrangled on, the design of marching into England prevailed, and whatever might have been the result of any other, this was fatal. The Highlanders long resisted this decision, and refused to be disposed of by a council of war. To those who are acquainted with the character and habits of this curious people, their conduct will not appear inconsistent with the ready obedience and dependence on their leaders shown by them on other occasions. They were more diffident of their allies than afraid of their enemies, and they would have less scrupled to march unsupported under their own patriarchal leaders, in whom they had a child-like reliance, than in union with Englishmen and Borderers. Mar, who, to his very scanty qualifications to command, seems to have added some knowledge of the Highlanders, anticipated their reluctance to cross the Border. He recommended that they should be retained in Scotland, and posted so as to harass the enemy there while the southern Scots and their new allies were trying what England was to do.<sup>2</sup> This would aid a scheme suggested by Winton, that if England failed them, then the whole force should pass northward through the western counties, and assist Mar in conquering Scotland.

General Carpenter was on his way to meet them, and the project finally adopted was to evade him, and gain

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<sup>1</sup> Patten, 49, 50.

<sup>2</sup> Mar Papers.

three days' march by passing into western England. In execution of this design a detachment had been forwarded to North Tynedale, when the Highlanders specified their determination not to cross the Border. The marching orders were countermanded, and directions were given to proceed to Hawick; but the suspicion of the Highlanders was thoroughly roused—they deemed this change, so readily adopted, only a device to get them into English ground; and separating themselves from the army, they took their stand on a hill, saying that they were ready to fight any enemy they were brought against, but they would not be led into England. Indeed they showed very alarming promptitude in fulfilling the main function of the soldier; for when the southern bands of cavalry surrounded them, menacing them with a compulsory submission to military discipline, they formed and presented their pieces, crying out that, if they were to be sacrificed, they would prefer to die on Scots ground; they were far more ready to fight with, than to confide in, their allies.<sup>1</sup> Suspicious of every one, they would allow none of the Lowland leaders but Lord Winton, who had warmly opposed the march into England, to approach them; and it was with some difficulty, and after arguing with them for two hours, that he persuaded them so far to place reliance on their allies, as to act in concert with them so long as they remained in Scotland. The Highlanders were true within the limits of their engagement. Being infantry, they had the duty of mounting guard; and on the night of their arrival at Hawick, seeing some cavalry patrolling in front of the line, the sentinels gave the alarm, and the whole body turned out and formed with great promptitude and decision. This, like its train of predecessors, was a false alarm; and it has been said that it was designed to try the temper of the Highlanders before an enemy.<sup>2</sup> If it was so, the duty of making the feint was one of no small danger.

The obstinacy of the Highlanders seems to have given a new vibration to the quivering councils of the chiefs;

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<sup>1</sup> Patten. 67; Tindal, 454.

<sup>2</sup> Patten, 69.

and a considerable detachment was sent, on the 31st, to Ecclefechan, with instructions to invest Dumfries—a project implying the momentary prevalence of Winton's scheme for a junction with Mar, by a passage through the west of Scotland; but an express was sent after the party, with orders to turn southwards towards Longtown, in Cumberland.<sup>1</sup>

An officer who had been despatched with a party to reconnoitre General Carpenter's force, returned, saying—"I found them foraging about Jedburgh, and saw that their horses were jaded, and their foot raw and undisciplined. I came so near them that I was pursued by twelve dragoons two long miles."<sup>2</sup> This intimation justified Kenmure in having recourse to another council of war, where opinions were as much divided as ever. MacIntosh, who was a practical man, and had seen abundance of savage fighting, became disgusted with all these councils and cross-marches. He heard that there was an enemy near, and called on them to stop their consultations, and fight him off-hand,—a proposal which only made his more deliberate allies say that he saw nothing before him but starving or hanging.<sup>3</sup> In the end we are told that "the council could come to no resolution, excepting only that the army should march; but they did not determine to what place."<sup>4</sup> At length accident, the great master of events among feeble councillors, settled this harassing question. They had proceeded two miles from Langholm on their dubious journey, when they met Lord Widdrington and some friends, who had come hot from Lancashire, to pray that they would make their appearance there, and become the gathering point of the twenty thousand men who were prepared to leap to their saddles when the moment for

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<sup>1</sup> Patten says of the west of Scotland project: "Here they might have received succours from France and from Ireland, no men-of-war being in all those seas at that time. In a word, nothing could be a greater token of a complete infatuation, that Heaven confounded all their devices, and that their destruction was to be of their own working, than their omitting such an opportunity of fixing themselves past the possibility of being attacked"—P. 70.

<sup>2</sup> Journal of a Merse Officer, 60.

<sup>3</sup> Ibid., 61.

<sup>4</sup> Ibid., 61.

rising was proclaimed. This settled the preponderance of the fluctuating councils, in the direction of the project of outmarching the Government troops; and orders were given to proceed towards Carlisle, and recall the detachment sent forward to Dumfries.

The Highlanders, still true to their stagnant principles, refused obedience. Their leader, MacIntosh, who had no prejudice against active service wherever it could be obtained, endeavoured, with all his eloquence and authority, to prevent their desertion; and by one who was sent from the army to know their final determination, he was found standing in the middle of the river Esk, endeavouring to stop them in their attempts to march northward, and heard emphatically cursing the obstinacy of the mountaineers, and exclaiming, with true professional zest, "Why the devil not go into England, where there is both meat, men, and money? Those who are deserting us are but the rascality of my men." <sup>1</sup>

Pecuniary negotiations were now commenced, and they were offered sixpence a day of regular pay—reasonable remuneration at that period to ordinary troops, but to the wild children of the mountain a glittering bribe, which the most steady obstinacy would alone resist. It was partly effective. Five hundred of them separated from the army, dispersing themselves among the Dumfriesshire hills, to find their way home, should they be so fortunate as to escape capture by the enemy, while the remainder reluctantly joined in the march to England. <sup>2</sup>

On the 31st, after a tedious march, the insurgent army reached Longtown, and next day they marched to Brampton, the uncertainty of their movements fully protecting them from discovery by General Carpenter, who heard one day that they were in full march to the north-west, and next day that they had passed him, and had penetrated so far into England that he lost, for the time, all trace of their destination. They were now under the chief command of Forster, who, even in England, had no other commission but what he held from the Earl of Mar. <sup>3</sup> On the 2d of

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<sup>1</sup> Journal of a Merse Officer, 63.

<sup>2</sup> Patten, 72.

<sup>3</sup> Ibid., 74.

November they reached Penrith, where they were confronted and opposed by the *posse comitatus* of the county, with Lord Lonsdale and the Bishop of Carlisle at their head. The numbers who assembled at this old national gathering, amounting, by the lowest computation, to 15,000 men, would have been creditable to the constitutional spirit of the north of England, if their courage had been equal to their alacrity; but, totally unused to arms—indeed, only possessing among them a small number of weapons—they showed that a heterogeneous, ill-trained force, such as that of the rebels, by being a few weeks under discipline, may appear powerful in comparison with a body only disciplined for one day. The old constitutional force fled in confusion when it came in contact with the first formed column of the insurgents, leaving in their hand “a great many prisoners, some few arms, a great number of pitchforks, and some horses.”<sup>1</sup> The casualties are said to have amounted to just one man wounded, on the Government side. Here at last was a victory, and in every respect a satisfactory one. It was therefore with feelings of no small pride and elation, that, in the small town of Penrith, they proclaimed King James III., at three o'clock; and later in the evening, after having occupied the interval in their usual employment of levying taxes, they regaled themselves with a plentiful supper, which the provident bishop had destined for the refreshment of his own troops, after the fatigues of victory.<sup>2</sup> Finding that Penrith did not afford any prospect of a permanent supply of provisions, they set off, at an early hour next morning, towards Appleby. On the 5th they marched to Kendal. During a great part of their journey they were in a well-preserved game country, and the Highlanders, who were excellent marksmen, amused themselves,

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<sup>1</sup> Journal of a Merse Officer. Clarke, in his Journal, says—“By the strictest observation, the number was 25,000 men, but very few of them had any regular arms.”—Lancashire Memorials, 75.

<sup>2</sup> Lancashire Memorials, 76. This bishop; it is worthy of remark, was the renowned William Nicolson, author of the English, Irish, and Scots Historical Libraries, the most sagacious, and one of the most laborious, of English critical antiquaries.



not unprofitably, in bringing down some hares and rabbits, and an occasional deer. But in the midst of these circumstances of triumph and enjoyment, the leaders saw with uneasiness that the serious business of their expedition was not moving onward with their march,—the country was not joining them. It was remarked that they just obtained one recruit between Penrith and Appleby; and as they were subject to a good many desertions, every day saw their force rather reduced than strengthened.<sup>1</sup>

While thus meagrely countenanced by their friends, they saw abundant evidence of hostility and unpopularity, in passing through a country where there were many Low Church Whigs, Protestant Dissenters, and Quakers; and they seem to have owed their uninterrupted march more to the peaceful habits and the timidity of the people, than to their sympathy.<sup>2</sup> They went forward beneath a continued soaking rain, which, suppressing the usual military pageantry, detracted both from the pomp and the terror of their progress. “The horse,” says an eyewitness, “did not draw their swords nor show their colours, neither did any drums beat, only six Highland bagpipes played.”<sup>3</sup>

The several parish clergymen where the troops rested,

<sup>1</sup> Nor was this one recruit of such a character as to make up for scarcity by value. “This man stole a horse about one hour before he joined them, and deserted from them the next day; and at August Assizes, 1716, was found guilty, and executed at Appleby for stealing the said horse.”—*Lancashire Memorials*, 77. Next day we are told that “none joined them excepting one Mr Francis Thornburrow of Selset Hall, near Kendal. His father sent one of his servant-men to wait upon his son, because he was in scarlet clothes, and styled Captain Thornburrow.” At Kendal it is said, “a journeyman weaver joined them here.”—*Ibid.*, 80, 82.

<sup>2</sup> One worthy lady justified the charge against her sex, of displaying the extremity of sensitiveness in political questions, especially if they have any ecclesiastical bearing, “Madame Bellingham, who was godmother to Thomas Forster, and tabled in Mr Simpson’s house, would not admit her said godson to see her; and he going up stairs for that intent; she met him on the stairs, gave him two or three boxes on the ear, and called him a rebel and a Popish tool, which he took patiently.”—*Lancashire Memorials*, 82.

<sup>3</sup> *Lancashire Memorials*. 81.

were desired to perform the Church of England service, substituting, of course, in the Litany, King James III. and his mother, for King George and the several branches of the royal family. This was a severe ordeal to the High Churchmen; but, swayed by the cautious attitude of those around them, they seem to have unanimously declined to commit themselves by so unequivocal an act, and to have contented themselves with giving every facility to Patten and the other avowed Jacobite clergymen. While at Appleby, the parson and curate who would not officially give utterance to the dangerous prayers, attended during the service, when they were read by Patten, after having given directions for the ringing of the bell, and all usual preparative ceremonies.<sup>1</sup>

They entered Lancaster on the 7th of November, and left it on the 9th. Here, for the first time, they enjoyed the consciousness of popularity. They were the heroes of the Roman Catholic ladies, who, it is noticed as a matter worthy of record, met the officers in a party devoted to the novel and aristocratic luxury of tea.<sup>2</sup>

The Whigs in Lancaster had felt themselves so strong as to deliberate whether they should defend the town. They had gone so far in a project for destroying one of the arches of the bridge, as to peel off part of the paving; but, on consideration, they found that without exterior succour the project was not to be prudently attempted. Having obtained undisturbed possession of the town, with the command of the castle, it has been often maintained that the insurgents would have pursued their wisest course if they had fortified their position, and there

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<sup>1</sup> Patten, 86. One ingenious caligrapher among the Jacobite clergymen had his own peculiar method of attesting his loyalty. In the prayer-books in the several churches he scratched out the names "Queen Anne" and "the Princess Sophia," as he found them printed, and substituted those of "King James" and "the king's mother," so successfully, that we are told "the said words are writ with such a nicety that many takes them to have been printed."—Patten, 87; Lancashire Memorials, 97. "The minister of Lancaster does not make use of that book now, but has it laid by in the vestry."—Ibid.

<sup>2</sup> Lancashire Memorials, 175.

awaited the enemy. But they were doomed to complete the circle of their mistakes and follies ; and on the 9th of November, amidst rain, and through deep miry roads, they made their last march to the fatal end of their career. In "proud Preston," as this home of the old Catholic gentry of Lancaster was then called, they first received the hearty welcome of the general public; and yet the enthusiasm of the citizens, and the zeal of many hundreds of retainers who here joined them, were but a miserable realisation of the host of twenty thousand men who were to flock to their standard. The previous negligence and irregularity of the leaders, from the moment of their entering these fatal streets, seemed only to deepen into utter oblivion and unconsciousness. A prosaic observer who was present—an attorney's clerk—draws their conduct in a few simple words : "The ladies in this town, Preston, are so very beautiful, and so richly attired, that the gentlemen soldiers, from Wednesday to Saturday, minded nothing but courting and feasting."<sup>1</sup> Founding on the attractions of such a place, the sagacious Marlborough predicted—without scouts, and without leaving the retirement of his own chamber—where they were to be encountered, as one who, knowing the road a tippler has taken, may calculate on finding him in the most convenient dram-shop. "It is here," he said, pointing to Preston on the map, "that we shall find them."<sup>2</sup>

We must now trace the various elements of the gathering storm which was presently to burst on this doomed expedition.

General Wills had the duty of specially protecting Lancashire. Arriving at Manchester on the 8th, he found that Carpenter had marched from Durham on the previous day. On the 12th, his small force, well ordered, with the foot in front, and the mounted men formed into three brigades, began their march to Preston by break of day. Meanwhile ugly rumours came to disturb the peace of the tranquil general, and at last he was told that Wills was marching to attack him. Utterly unable to act on the

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<sup>1</sup> Peter Clark's Diary, 107.  
VOL. VIII.

<sup>2</sup> Lancashire Memorials, 110  
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news, if he was even in a state distinctly to comprehend its nature, his subordinates found it necessary to take their defence into their own hands.<sup>1</sup>

A council of war was called, and sat without the presence of the commander. They came to resolutions to send forward advanced-guards to the Darwen and Ribble bridges, and to put the whole army in readiness to take the field. Next morning, however, to the surprise and indignation of the unfortunate officers, these orders were countermanded by Forster.<sup>2</sup> It was indignantly remarked, that "the most revolting part of the general's conduct was, that he only awakened to testify to his amazed subordinates that his authority had not slept with him."<sup>3</sup>

It was not, indeed, until a clergyman having walked forth of the town with some letters to friends at a distance, met the van of Wills's army, and returned with the news, after having been spoken to by that general, that Forster appears to have been in sober earnest convinced of the approach of an enemy. He then went forth at the head of a detachment, and leaving part of them at the Bridge of Ribble, a short distance south of the town, pushed forward, until his eyes assured him that all the intimations he had received had real foundation. Instead of immediately returning by the bridge, and forming his plan of defence, we are told thus: "He returned by another way, and ordered his chaplain with all haste to ride back and give an account of the approach of the enemy, and issue orders for their reception, while he went to view a ford in the river, in order for a passage to come behind them."<sup>4</sup>

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<sup>1</sup> It has, indeed, been gently reported, that the commander-in-chief that evening "had received some little damage in the course of a convivial entertainment, so as to render it necessary that, instead of studying military despatches, he should retire to bed."—Lancashire Memorials, 109.

<sup>2</sup> Journal, *ut sup.*

<sup>3</sup> Lancashire Memorials, 109.

<sup>4</sup> Patten, 97. The chaplain does not make it quite clear, if he was as a temporary aid-de-camp to convey specific instructions, or if he was intrusted with a general message to the subordinate officers to do what they thought fit, or if he was authorised himself to command

But there were some men of another sort in this beleaguered city, whose spirits chafed in vain indignation and disappointment for opportunities wasted and energies unemployed. "Are these the fellows you intend to fight Wills with?" said old MacIntosh, looking more grim than ever; "faith, an ye had ten thousand of them, I'd fight them all with a thousand of his dragoons."<sup>1</sup> But he wasted little time in words; his duty was among the trenches and barricades, where he found Derwentwater, the aristocratic idol of the north, labouring coatless, and endeavouring, with vain individual exertion, to repair the shame that had come on all.

John Farquharson of Invercauld, an immediate follower of Mar, and a tough soldier of MacIntosh's band and school, was the commander whom Forster had left at the bridge with a hundred "stout, choice, and well-armed men." This bridge was the great pass towards Preston from the south, and the first point to which any general desiring to save the town, or those who were in it, would look; yet, by Forster's order, its defence was immediately abandoned. This policy has been vindicated, because the river was fordable at some distance; but it has been observed, that the fords were also capable of defence, and that Wills guarded them on the other side to prevent the escape of the garrison. That experienced general, seeing the bridge abandoned, suspected some deep stratagem, as old gamblers are said sometimes to apprehend far-calculating policy in the conspicuous recklessness of a raw beginner.<sup>2</sup> The place was full of narrow lanes and broken ground; and he might remember, that upwards of sixty years ago, it was in that very spot where, both armies fighting on the same side of the river, the hardest encounters in Cromwell's great victory of Preston were from royalist ambuscades among the lanes and broken ground.<sup>3</sup> But Wills having "proceeded with caution, and caused the hedges and the fields to be viewed," was so astonished to find himself here also without an opponent, that "he concluded that the enemy was fled, and expected that

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<sup>1</sup> Annals, 134.

<sup>2</sup> Patten, 99.

<sup>3</sup> See chapter lxxiv.

they had abandoned the town and all, and would endeavour by their long marches to return to Scotland.”<sup>1</sup>

The plan of defence was laid down by MacIntosh. It was the simple city fortification of barricades. The insurgents had brought with them some ships' guns which they had found at Lancaster, and making four barricades at so many of the principal approaches of the town, two guns were mounted on each. It was the brigadier's policy not to place the barricades entirely at the extremity of the town, where the streets radiated out to the country in small lanes, through which they might be flanked ; but, with all the advantage the system might give to the enemy in getting possession of the exterior houses, to lay the lines of defence somewhat nearer the centre of the town than the places where these avenues branched off. MacIntosh himself took the command of the principal barrier across the entrance from the Wigan road, and close to the church. General Wills inspected these preparations from a slight rising ground, and approaching MacIntosh's barrier, two dragoons near him were shot,—an incident which dispensed with a summons to surrender.<sup>2</sup>

At two o'clock in the afternoon a general attack was made on MacIntosh's barrier. A slight embankment, raised nearer the extremity of the town, intended rather to perplex the enemy than to be defended, was immediately abandoned, and a sharp fire was opened from the main barrier, along with a flanking discharge of musketry from the houses on either side. Out of 200 men who entered the street, 120 were killed in a few minutes.<sup>3</sup> This slaughter was accomplished by the Highlanders, with the musket—a weapon of which they were thoroughly masters in the shape of rifle practice. For the clumsy artillery put at their disposal they could find little use ; and though they were aided by a seaman in attempts to work them, the balls were chiefly lodged in the neighbouring houses.

The erecting of the barrier within the range of houses, if it served to baffle the besiegers at first, gave them in

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<sup>1</sup> Patten, 99.

<sup>2</sup> Lancashire Memorials, 125.

<sup>3</sup> Ibid., 125.

the end the means of covering their attack. The principal houses beyond the barricade were occupied by some of MacIntosh's men ; but while the main body of the besiegers advanced up the street, subject both to the operations from the barricade, and a flanking fire from these houses, small parties were sent through by-lanes to attack the houses in the rear ; and the rebels being dislodged from two of them, they were effectively occupied by the Government troops. In the wide-spreading modern manufacturing city scarcely any remnant can be found of the buildings that gave a character to this street battle. For instance, one of the houses, that of Sir Henry Houghton, is described as an old battlemented mansion, which commanded the head of the hollow way leading from the bridge to the town, the street in the market-place, and a great part of the neighbouring fields, and had a garden behind, protected by a high brick wall.<sup>1</sup> It seems to be doubtful whether it was through the negligence of Forster, or the successful operations of the besiegers, that this defensible edifice changed masters. The other houses between the barricade and the exterior of the town, if not defensible, were still capable of offensive use ; and being set on fire by the besiegers, obliged the besieged, who were posted on either side of the barricade, to retreat farther within the town. The houses blazed on during the night, and afforded the two armies light for their conflict. The possession of the two houses occupied by the besiegers was felt to be so important, that Forster was strongly urged to make a great effort to dislodge them ; but he rested on a maxim which was probably echoed from a saying of MacIntosh, "that the body of the town was the security of the army."<sup>2</sup>

The attack on the other three barriers was of a similar character. The assailing troops suffered sharply from the covered fire of the rebels. Houses were taken, however, and either burned or occupied, and generally the besieged were close pressed when the shades of evening fell. All through the night the scattered fight went on, partly by

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<sup>1</sup> Lancashire Memorials, 128.

<sup>2</sup> Ibid., 129.

the light of burning houses, partly by that of some windows lighted up, under an order of General Wills, that all the houses taken possession of by his troops should be illuminated.<sup>1</sup> During that eventful night, it is briefly recorded by an eyewitness that "both armies lay upon their arms, but General Forster went to bed."<sup>2</sup>

In the mean time, just one avenue from the town, the Fishergate, opening on some fords of the Ribble, in the direction of Liverpool, remained, whether from design or negligence, uncovered; and while the part of the rebel army which had marched from Scotland and the north of England scorned this means of evading the crisis, it need scarcely have caused surprise that the new recruits should have taken this opportunity of leaving the service to which they had been for so brief a time attached. The numbers who thus escaped a participation in the final catastrophe appear to have been considerable.<sup>3</sup>

Next morning—Sunday, the 13th—between nine and ten o'clock, Carpenter, who had been in vain following the track of the insurgents from the Scots Border, with a body of 2500 men, all cavalry, reached Preston. This general, whose rank entitled him to take the command-in-chief, announced his approval of the dispositions adopted by Wills. Though he generously desired the inferior officer to carry on the work he had begun, and reap the honour of the achievement, Carpenter's arrival was followed by several alterations in the disposition of the besieging army. The line of circumvallation was rendered more complete. The path through the Fishergate, by which so many of the insurgents had made their escape, was effectively covered; and, while the line was in some places narrowed for the sake of completeness, arrangements were made for concentrating the troops on any point which the insurgents might attempt to force. Now, for the first time, the beleaguered army saw inevitable destruction glaring them in the face.

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<sup>1</sup> Patten, 113.

<sup>2</sup> Journal of a Merse Officer; Lancashire Memorials, 133.

<sup>3</sup> Lancashire Memorials, 135.



There arose, at this dread juncture, a vital but characteristic division in the rebel camp. The Highlanders proposed to rush forth and cut their way through the enemy, or sell their lives at the highest bloody price: the English gentlemen began to occupy their minds with possible negotiations for a surrender. A surrender by insurgent chiefs is not necessarily an act either of timidity or of selfishness, since it may save many lives among their humble followers in the field, at the sure cost of their own on the gibbet. This, however, does not appear to have been the view of Forster and the subordinate chiefs. They opened a treaty with the besiegers, and made anxious efforts to obtain terms of surrender. Their representative, Colonel Oxburgh, socially known to some of the royalist officers, obtained an interview with Wills between one and two o'clock. He proposed that the forces should lay down their arms, on condition of being received as prisoners of war, and recommended by the victorious general to the royal mercy. Wills made an answer which was at least candid. He said: "I will not treat with rebels. They have killed some of the king's subjects, and they must expect to undergo the same fate." "You are an officer and a man of honour," said Oxburgh, "and I hope that you will show mercy to people who are willing to submit." Wills made a reply which, though it may sound hard, was honest, and strictly in accordance with his military duty: "All that I can do for you is, that if you lay down your arms and submit yourselves prisoners at discretion, I will prevent the soldiers from cutting you to pieces, and give you your lives until I have farther orders; and I will allow you but one hour to consider these terms." On being driven to a farther explanation, he said: "If I had the inclination, I have not the power, to give you any terms, otherwise than by sparing the lives of the rebels until his majesty's pleasure be farther known. If you expect any other terms, return to the town immediately, and I will attack you, and cut you to pieces. I will give you but one hour to consider these terms."<sup>1</sup>

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<sup>1</sup> State Trials, xv. 857 et seq. ; Lancashire Memorials, 140.

Though he seemed to question if it were consistent with the laws of war, the investing commander allowed the insurgents an armistice until next morning, on their giving hostages not to raise new works or escape. After some dangerous demonstrations by the Highlanders, who said they knew nothing about terms of surrender, and some efforts to escape in spite of the armistice, quiet possession was taken of Preston, and all found in arms there were made prisoners. The English captives numbered 462, the Scots 1088.

The conclusion of the affair of Preston was contemporary with two events in the north, fatal to the Jacobite cause ; and the three blows coming together, though their conjunction was fortuitous, fell with the emphasis of an effective combination. The less important of the northern events was the recapture of Inverness, mainly achieved through a petty revolution, highly illustrative of the Highland social system. Simon Fraser, not yet acknowledged as Lord Lovat, accomplished, along with the Laird of Culloden, a perilous journey to the abode of his clan, after his achievements on the Border. He was there admitted chief by Highland allegiance, though the law gave the estates to another who was then, with such of the clan as he had prevailed on to follow him, in Mar's camp. It was the policy of Simon to make a great demonstration on the other and safer side. He found 300 men, who had refused to follow the Jacobite banner of his rival, ready at his call. Placing himself at their head, like a sovereign with an army, he sent notice to the disaffected clansmen who had followed the legal owner of the estates, to return immediately to their duty, threatening them with ejection from their holdings, and military execution against their families and possessions if they failed. As men exorcised by a command which it would be wicked and futile to resist, the Frasers left Mar's camp, just before the momentous battle of Sheriffmuir, and joined their brethren. Lovat found Duncan Forbes, afterwards the great and good Lord President, defending the old fortalice of Culloden ; while his father-in-law, Hugh Rose, held his neighbouring tower of Kilravock against repeated attacks, and with a

well-ordered force of 200 men, made his mansion do the proper service of a fort in protecting the surrounding country.

Their efforts were important from their position. Northward of Loch Ness and the chain of minor lakes, the power of the Earl of Sutherland, on the Government side, balanced that of Seaforth, Glengarry, and the other Jacobite leaders; and in their absence at Mar's camp was superior. Thus the fortified houses near Inverness had all the importance of Border fortresses; and the reduction of Inverness, for the Hanover interest, would relieve their owners of their perilous position, by giving their friends the command of the pass between the North Highlands and the rest of Scotland. The small body under Rose and Forbes, with Lovat's, and a party of the Grants, amounted in all to about 1300 men—a considerable force in that war of small armies. They laid plans for systematically investing Inverness; but before it was necessary to operate on them, the garrison silently evacuated the place, dropping down the river in boats on the night of the 13th of November, and sailing for the northern coast of the Moray Firth. This affair seems to have cost no other casualty than the death of a brother of Rose of Kilravock in a premature and rash attack. Thus the Government had the command of the eastern pass between the North Highlands and the low country, leaving passable only such routes, beyond the western extremity of Loch Ness, as were not liable to be interrupted by the garrison at Fort William.<sup>1</sup>

We must now turn to the part of the country where Mar and Argyle confronted each other, and the third great blow was to be given. The true policy of an insurgent leader is to strike and astound—it was the necessary policy of a leader of Highlanders; but Mar remained devious and uncertain, awaiting the course of events, and trusting to accidental good fortune. The English Jacob-

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<sup>1</sup> Major Fraser's MS. Narrative. Genealogical Deduction of the Family of Rose of Kilravock, 350. Contemporary pamphlet on "The Conduct of the Well-affected in the North."

ites were expected to rise, but they did not. Ormond and a large French force were to make a descent on England ; but Ormond came almost alone to be laughed at, and be glad to escape. On the other hand, the promised Dutch reinforcements of the Government were on their way, and there was every prospect that, instead of Argyle's little army of three or four thousand men, Mar would have to face a larger force than his own. His leaders having too much time to think and talk, caballed and grew discontented. The Highlanders, instead of being led to immediate battle, which they deemed the only function of an army, were, for a hopeless project of fortifying Perth, set to trenching, embanking, and other drudgery, which their souls abhorred.

Intending to move southward without, as it would seem, any definite object, on the 10th of November, the Earl of Mar broke up his camp at Perth, marching to Auchterarder ; and two days later, Argyle, after calling in his outposts, led his small compact army northwards. On the 12th, Mar advanced in two divisions. The advance consisted of the Master of Sinclair with his Fifeshire squadron, two other squadrons of cavalry, and the bulk of the northern and western clans—the various MacDonald tribes, the MacLeans, the Camerons, the Stewarts, and the Gordons, with a considerable force of Breadalbane Highlanders, whose effective presence did not prevent their aged chief from afterwards claiming the consideration of the Government for having kept his clan from participation in the insurrection.<sup>1</sup> The Highlanders were

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<sup>1</sup> After the battle we are told that " Breadalbane's three hundred men were gone home, and his lordship, too cunning not to see through the whole affair, we could never promise much on his friendship. His undertaking to send us twelve hundred men, and his taking money for the whole, when he never sent but three, taught us what we had now to expect from him, though the character of his whole life did not ; his business was to trick others, and not to be tricked."—Master of Sinclair's *Memoirs*, 260. His contingent was commanded by Campbell of Glenderule. He became himself, however, so far visible, prowling about the camp at Perth, " seeking more money," as to give opportunity for the following sketch of him by the Master of Sinclair : " His extraordinary character and dress made

nominally led by General Gordon, but his actual power could be no more than that of aid-de-camp, as each clan was headed by its own patriarch, who unwillingly took orders even from the commander-in-chief. While the clans marched toward Dunblane, Mar, with the rear, was to rest at Ardoch, where the still distinct remains of the Procestrium of the Roman camp might serve as a partial fortification. The Master of Sinclair, who had drawn his lessons in war in the grand theatre of Marlborough's victories, was scandalised at the slovenly and perilous arrangements for the disposal of the army for the night, in the knowledge that the enemy was at hand. It was down in the trough or narrow glen watered by the Allan. He remarked that, to the inexperienced, it seemed safe, because it was a place not easily to be found and difficult of access ; but there was no room in it for the handling of troops, especially of cavalry ; and it depended on lucky accident, and the enemy's ignorance of their dangerous position, that they were not destroyed.<sup>1</sup> When in the morning they ascended the steep bank from this perilous hollow, there came to them first a lame boy, and then an

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everybody run to see him as if he had been a spectacle. Among others my curiosity led me. He was the merriest grave man I ever saw, and no sooner was told anybody's name, than he had some pleasant thing to say to him ; mocked the whole, and had a way of laughing inwardly that was very perceptible."—*Memoirs of the Insurrection*, 185, 186.

<sup>1</sup> "All the ground about had a sudden rise from the houses and yards for two hundred paces, except towards the north, where we were hard upon the river, which was behind us ; for it can't be properly said that we had front or rear, more than it can be said of a barrel of herrings."

"All that night our army lay in that small circumference, and I believe eight thousand men—for we were about that number—were never packed up so close together since the invention of powder ; and I can take it upon me to defy the most ingenious engineer, after a month's thinking, to contrive a place so fit for the destruction of men, without being in the least capable to help themselves. God knows, had we been attacked by any three regiments of foot, posted in the high grounds about, they had cut us to pieces, or drove us into the river, which was just behind, or for what I know not twenty paces from us ; nor could the most regular troops on earth extended their front out of that, or form in any order, so uneven the ground was, and so slippery with the frost."—*Memoirs*, 206-208.

old peasant woman, to the van, to intimate that Argyle was marching northward, and had reached the town of Dunblane before them. These characteristic messengers were sent to them by the sympathising wife of the Laird of Kippendavie, in whose domain they were to fight. The advance was stopped, the rear brought up, and the whole insurgent army formed on an eminence north of the Sheriffmuir. Argyle, fearing a surprise should he quarter his men in the town of Dunblane, commanded from the neighbouring ground, stationed them on an adjoining height.

On the morning of Sunday the 13th, the two armies, conscious of each other's presence, saw that, if there were a combat, it would take place on the Sheriffmuir. Mar could not change the ground without risk, and Argyle considered it suitable for the movements of his horse, on which he mainly relied to balance his inequality of numbers. The muir is a broad eminence, which is formed by a spur of the Ochils, but swells so gently, that at a distance it seems an elevated plane. As a platform projecting into the great basin between the Ochil and Grampian range, it commanded a wide view of the surrounding country, from which, at the same time, its own surface was, of course, conspicuously visible. Hence neither army could deploy on the muir without its movements being easily ascertainable by the other. But there were peculiarities in the immediate character of the ground, which, as we shall presently see, impeded the mutual observation of two forces actually occupying it. Mar saw, on an eminence between him and Dunblane, a clump of officers, whom he rightly conjectured to be the Duke of Argyle and his staff, surveying the position of the Jacobites. Ever undecided, Mar, with a force which, in better hands, would have poured down on Argyle and routed his small army, called a council. It does not seem to have been a limited committee of responsible general officers, but a miscellaneous assemblage of the eager, the opinionative, and the reluctant. Of the last, there were some important leaders who had views of making terms with Argyle, and who murmured their doubts of the

expediency of risking a battle. But their hesitations were drowned in the fierce cry of "Fight, fight," by the clan leaders, who, with the enemy before them, could ill understand how there were two views to be taken. They were echoed by the exulting shouts of their followers. It would have been impossible for more resolute commanders than Mar to keep them from flying at the enemy's throat, and he put himself at their head, an unwilling general forced by his troops to lead them to battle. On leaving the ground where they had passed the night, the insurgents swept in four columns through a morass towards the gradual ascent of the muir. Their motion, tending to the right, threatened to take the small army of Argyle in front and wing at once, and almost to surround it. Marching with a tendency to the right, he ascended the muir by the opposite end. He drew up in two lines, with six battalions of infantry, and three squadrons of horse on either wing. The duke commanded on the right,—an able officer, General Wightman, bringing up the centre, and General Witham commanding the left wing.

This army did not consist of quite 4000 men, but they were almost entirely seasoned troops, in compact condition, according to the formal discipline of the day, and unencumbered with stragglers.<sup>1</sup> The insurgents, about three times as numerous when all who belonged to their camp were counted, were intended to operate in four strong columns of infantry, each flanked by cavalry. The order was, however, speedily disturbed, the Highlanders running forward in clumps, discharging their muskets, and then dashing on their enemies with the broadsword, to scatter them, or to be scattered by them. If any one gave the Highlanders an effective command, it appears to have been the chief of MacLean, who, by a loud appeal to his own men, brought the other clusters on the right far on before the body of the army. Of the rapid contest called the battle of Sheriffmuir, it is extremely difficult to convey a

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<sup>1</sup> The Glasgow volunteers, though under an able commander, Colonel Blackadder, who pronounced them fit for the field, were left, much to the mortification of their leader, to keep Stirling bridge.—*Life of Col. Blackadder*, ch. xix.

distinct impression. The nature of the ground explains one source of confusion, in the two armies being unable to see each other until they had almost met hand to hand. The muir is a hill, but a very gentle one; and it has the peculiarity of being a regular curve, presenting in all parts a segment of a sphere, or rather an oblate spheroid. There are no rapid declivities, and no plains. Hence in every part of the hill there is a close sky-line, caused by the immediate curve; and where there is so much of the curve as will reach a perpendicular of some eight feet between two bodies of men, they cannot see each other.

Hence, the armies not being mutually visible, each failed in the design of facing the other. Each tended more to the right than its leader had designed, and thus the left of either was outflanked. Hence came the ludicrous peculiarity of the contest, that the right of either army was victorious. The impetuous rush of the Highlanders carried Witham, with his horse and foot, before them down the steep declivity towards Dunblane, with much slaughter. Both were unformed, but this gave the Highlanders a decided advantage: they came on in charges, —the method of fight with which they were familiar; but they caught their opponents in the helplessness of what was termed "the long march." The charge of the Highland left was steadily received by Argyle's right and centre, fully formed. The Highlanders, thus firmly met, swayed and faltered, and scampered off to form and rush on again. But the cavalry pursuing them, gave them no time to halt for the purpose, and they were routed. With troops of another kind, the victory of Mar's right wing, being by a superior over an inferior force, might have been extended over the whole, since the pursuers, had they been well in hand, might have been brought up on Argyle's rear or flank, so as to expose him to two armies, each larger than his own. But such complex movements were not consistent with the Highland method of fighting, which decided the matter with a rush.<sup>1</sup>

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<sup>1</sup> The officer of Marlborough's school, whose account of the bivouac has been cited, thus describes his comrades in action: "On our first



Argyle was left to pursue his advantage with vigour, and to drive the fugitives entirely off the field. Mar retreated to Perth. The victorious part of his army, stationed on an eminence near Kippendavie, menaced the pursuing army on its return, but were not disposed to recommence the battle. Argyle was allowed to take the victor's privilege of occupying the field of battle, where he found the enemy's useless cannon, and some other trophies. The slaughter is estimated at about 800 on the insurgent, and 600 on the Government side. There were several men of mark in both armies, whose adventures have been commemorated in traditional anecdotes. The Master of Sinclair stood under suspicion of designed inaction. Rob Roy, who was present with a few of his banditti, stood

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coming we saw the enemy's colours, and their heads, and screwed bayonets, all marching in haste towards our left, along our front, within two hundred yards of us; but the gentlemen would not believe it was the enemy, and some cried out it was my Lord Strathmore's colours. I was both grieved and angry to see them still in that humour of not believing their own eyes, and told them they were union colours which they saw, and that they knew that Strathmore's regiment and colours were left in Perth, and asked them if any of our folks had grenadear caps and bayonets or red coats, and whence they thought these could come." "When I was about this I saw and heard a gentleman come up to General Gordon, calling to him with great oaths to attack the enemy before they were formed, and was told it was old Captain Livingston of Dumbarton's regiment. Gordon excused himself, as I was afterwards told, till he had spoke to Mar; but on Mar's not being to be found or seen, he soon consented, Livingston representing to him that he'd lose his time." The writer was in the victorious half of the insurgent army, and for all the confusion he saw, has given his testimony to the effect of the Highland rush: "The order to attack being given, the two thousand Highlandmen, who were then drawn up in very good order, ran towards the enemy in a disorderly manner, always firing some dropping shots, which drew upon them a general salvo from the enemy, which began at their left, opposite to us, and run to their right. No sooner that begun, the Highlanders threw themselves flat on their bellies; and, when it slackened, they started to their feet. Most threw away their fuzies, and, drawing their swords, pierced them everywhere with an incredible vigour and rapidity, in four minutes' time from their receiving the order to attack. Not only all in our view and before us turned their backs, but the five squadrons of dragoons on their left, commanded by General Witham, went to the right about, and never looked back until they had got near Dunblane, almost two miles from us."—Master of Sinclair's Memoirs, 216, 217.

quietly apart, watching an opportunity for plunder, and, when ordered to charge, answered with surly selfishness, that if they could not do it without him, they could not with him. The insurgents lost the Earl of Strathmore and the young chief of Clanranald.<sup>1</sup> In Argyle's army the Earl of Forfar was slain, and several gentlemen volunteers were severely wounded. Mar, though among the fugitives, claimed a victory in the usual terms of his hollow, faithless manifestoes. It was unquestionable that the Duke of Argyle had performed a service above many victories; for if he had not absolutely defeated an army three times as large as his own, he had beaten it back, and baffled the purpose of its leader.

To the Highlanders, the question whether they had gained a victory or not, was unpleasantly solved by the total absence of the legitimate fruit of victory—plunder. They were sick of the whole affair, and took their usual remedy of silent, unceremonious dispersal. If it had any effect, it only hastened their scattering. When the Lowland gentlemen, who were to be left by them in great difficulty and danger, spoke of surrendering on terms, the Highlanders did not understand such niceties, and always trusted the final conclusion to their swords or their heels. Mar put it to the Duke of Argyle whether he had power to grant terms? He had ever a warm heart for his countrymen, and seems to have hailed the prospect of a surrender and amnesty with lively satisfaction. He had no such powers, but he pleaded for them. His plea received the coldest of all rebuffs—no official notice.

While the small insurgent force awaited the convenience of the adversary to crush it, the first prayers of

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<sup>1</sup> A brief testimony to the virtues of Strathmore brings a touch of light and charity into the malignant *Memoirs of the Master of Sinclair*: "When he found all turning their backs he seized the colours, and persuaded fourteen, or some such number, to stand by him for some time, which drew upon him the enemy's fire." "He was the young man of all I ever saw who approached the nearest to perfection, and had a just contempt of all the little lies and selfish tricks, so necessary to some, and so common amongst us; and his least quality was that he was of a noble ancient family, and a man of quality."—p. 227

the leaders were in one point realised. As the climax of perplexity and dismay, they heard that their king had arrived at Peterhead. He had with him but six followers, and one of them posting southward with the news of the landing to the camp, the others accompanied him in disguise through Aberdeen. On reaching Feteresso, a mansion of his young adherent the Earl Marischal, he first dropped his disguise, and proclaimed himself a King. The magistrates of Aberdeen, a body of Jacobite gentry who had been forcibly substituted for the constituted officers by the Earl Marischal, immediately offered him their loyal homage. The Episcopal clergy passed an address of the kind that had been unknown for nearly thirty years. They were rapt in thankfulness to the Deity who had so miraculously preserved the king's most sacred life to bless his people. They prayed that it might be continued to prosper his arms, to turn the hearts of the wicked and the misguided to allegiance and duty, and to establish him on the throne of his ancestors, in a long and happy reign, blessed with royal progeny. And besides these usual elements of loyal ecclesiastical addresses, they gratuitously, with a falsehood so transcendent that it looks like mockery, said,—“Your princely virtues are such, that, in the opinion of the best judges, you are worthy to wear a crown though you had not been born to it.”

After a short detention from an attack of ague, the interesting stranger moved southward by Glamis and Dundee to his camp at Perth, which he reached on the 6th of January. There he graciously desired to see the little Kings of the Highlands with their armies; a few still remained, and the arrival seems to have brought others back. On their exhibiting some portions of the Highland exercise and discipline, he was pleased to bestow on them his royal commendation. But the approval was by no means reciprocal. The Highlanders were strangers to those subtle principles of apostolic succession or divine right, of which the theoretical purity was held to be rather confirmed than weakened by the wretchedness of the physical medium through which it might happen to pass. They had ever been accustomed to associate greatness

and authority with the immediate means of employing them, and especially with physical strength, and the indications of courage and determination. Their legends reminded them of instances where decrepit or timid chiefs had to be deposed and be replaced by hardy daring kinsmen, who could effectively lead the clan. And when they saw in the great chief of all their chiefs, the never robust frame shaken by dissipation, the feeble lazy eye, the sallow cheek, the imbecile smile, and the listless movements—the vision of such a descendant of the heroic race of Stewart fell upon them with the coldness of despair. Though the Highlanders generally professed a reverential reserve about great men and great things, yet it appears that they could not suppress their uncomfortable astonishment, and asked each other if the apparition could speak.<sup>1</sup>

But however deficient he might be in the qualities for

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<sup>1</sup> See "A true Account of the Proceedings at Perth, &c., written by a Rebel." This has been supposed, but apparently on insufficient grounds, to have been the production of the Master of Sinclair. In a *jeu d'esprit* of the period, called "A Hue and Cry after the Pretender," his personal defects are cleverly mixed with the still lingering belief in his spurious origin, and other assailable peculiarities. It is supposed to be issued after his departure, and begins, "Whereas one James Stewart, *alias* Oglethroe, *alias* Chevalier, *alias* Pretender, *alias* King, *alias* no King: neither Cæsar nor Nullus; neither a man nor a mouse; neither a man's man nor a woman's man, nor a statesman, nor a little man, nor a great man; neither Englishman nor Frenchman, but a mongrelion between both; neither wise nor otherwise; neither soldier, nor sailor, nor cardinal; without father or mother, without friend or foe, without foresight or after-sight, without brains or bravery, without house or home, made in the figure of a man, but just alive, and that's all; hath clandestinely lately eloped from his friends through a back-door, and has not been seen or heard of since;" and proceeding in this strain, there is this epitome of the prince's visit: "And whereas the said *alias* pretended to come here, to watch and fight, to bring men and money with him, to train an army and march at the head of them, to fight battles and besiege towns, but in reality did none of these, but skulked, and whined, and speched, and cried, stole to his headquarters by night, went away before morning; and having smelled gunpowder, and dreamed of an enemy, burnt the country and ran away by the light of it."—Adv. Lib., ccc. 3-2,

heading a successful restoration, he showed himself a remarkable adept in acting the part of an acknowledged monarch, with a firm throne and unlimited power. His answers to addresses were as brief and chilling as if long occupancy of an assured empire had made the very adulation of his obsequious subjects troublesome and distasteful. He took up his state in Scone Palace—a place well chosen for its historical associations with the coronation of the Scots kings. There he created much mysterious curiosity by the accurate royal etiquette with which he was surrounded, the canonical arrangement of his many dinner-courses creating among the simple-living Highlanders a mysterious feeling which almost restored their lost respect. He condescended to touch for the “king’s evil.” He speedily issued six gracious proclamations, very few of which had an opportunity of even a pretended enforcement. The first was for a general thanksgiving on account of his safe arrival; another commanded the clergy to pray for him; the third was for the currency of foreign coin, and elicited the remark that there was only too little of it in the country, and an announcement of fresh arrivals would have been more acceptable than the unnecessary injunction; the fourth was to summon a meeting of the Estates; the fifth required all able-bodied male persons, from sixteen to sixty years of age, to repair to his standard; and the last appointed his coronation to take place on the 23d of January. Ere the day fixed for this great event, he was occupied in endeavouring to escape from the cares and dangers of his enterprise. But in the mean time, it was the pride of the Jacobite ladies to contribute their rather scanty trinkets as materials for the construction of the likeness of a kingly crown for the august occasion.

The relative strength of Argyle’s force, and the weakness of Mar’s, were daily increasing; and the insurgents felt distinct indications that their opponents were preparing to march northwards and conclude the contest. Their precarious position suggested the necessity of clearing the country intermediate between them and Argyle, of shelter

and provisions. This could not be accomplished without the cruel operation of burning out the inhabitants, and sending them forth homeless and foodless on the wintry earth. It appears that none of the military commanders would take the responsibility of such an act, and they required authority under the sign-manual. Warrants were successively granted in the middle of January, "in the fifteenth year of our reign," giving authority in each instance to "burn and destroy" each village, "with the houses, cows, and forage" of the inhabitants. Thus the cluster of picturesque villages between the slopes of the Ochils and the Grampians, including Crieff, Muthill, and Auchterarder famed in ecclesiastical controversy, were sentenced to destruction. The doom was enforced in the midst of a heavy snowstorm; and though it was not in the orders that personal violence should be done to the people, and none of them appear to have been slain, yet it was impossible that young and old should be sent forth from their homes and winter stores, to wander in the cold, without suffering hardships and horrors from which many of them were relieved by death.<sup>1</sup>

The Dutch troops, under Cadogan, who had entered the Thames in the middle of November, by very deliberate movements reached Argyle's camp before the end of December, and, with English auxiliaries, added 6000 men to his small force. Detachments were instructed to drive the insurgents from Burntisland and their other posts on the coast of Fife,—a duty productive of small local conflicts, mentioned in the pamphlets and correspondence of the day; but in the end easily accomplished with the aid of the vessels of war in the Forth. Waiting until he obtained some artillery from Berwick, it was the 21st of January ere Argyle made his first distinct movement. General Guest was sent on that day, with a small detach-

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<sup>1</sup> An inhabitant of Auchterarder drew up a narrative of the scene called—"Accounts of the Burning of the Villages of Auchterarder, Muthill, Crieff, Blackford, Dalreoch, and Dunning, about the beginning of the year 1716;" printed in the Miscellany of the Maitland Club, vol. iii.

ment of dragoons, to report on the practicability of penetrating the country, then buried in deep snow. The insurgents hoped to find a respite in the inclemency of the season, and the advance of the dragoons was an alarming intimation that their hour was come. Such country people as could be found were pressed to the arduous duty of clearing the roads, to enable Argyle's forces to advance. It was not until the 29th, that the main body of the army began its march, passing the night of the 30th in the ruins of Auchterarder, where they found the natural hardships of a winter march increased by the desolating policy of their enemy.<sup>1</sup> The camp at Perth, by the arrival of scouts, was prepared on the 28th for the immediate approach of Argyle.

The scene at Preston was now reacted in all but the imminence of the danger. A miscellaneous council of people, coming and going, sat day and night talking, disputing, vituperating, and threatening, but doing nothing. The Highlanders, into whose calculations deliberate retreat never entered, exulted in the certainty that a battle could no longer be postponed, and were maddened with angry disappointment when they found hesitation and doubt about the course to be adopted. The military men in general were for holding out, believing that, poor as were the defences of the town in an ordinary season, the frost and snow, preventing the enemy from throwing up field-works, would give them the full advantage of fighting under cover. But Mar and others began to speak of a retreat as necessary for the prince's safety. There was almost a little civil war within the camp itself. The fighting men ruffled the courtiers in the streets, passing from angry altercation to threats. For what purpose were they brought there?—was it to fight like men or to flee like poltroons? Why had their prince come among them?—was it to head them and cheer them on to battle, or was it to see how many of his subjects were prepared for the shambles? The grim Laird of Glenbucket swore that

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<sup>1</sup> *Annals of George I*    *Campbell's Life of the Duke of Argyle*, 251.

the loyal clans would seize their king and fight around him ten thousand strong—a threat calculated to strike the direst terror into the heart of the royal stranger.<sup>1</sup> This eminent personage was prevailed on to attend a council of war, where his evident fear of warlike resolutions, and of in some measure having his personal safety compromised, dropped bitter despondency into the hearts of the Highland leaders. It was in vain that the voice of the combative was still for war. No army can fight when the leaders have resolved that it shall retreat or yield. Since the arrival of the prince, the politicians had been whispering to each other the impression they had all received, that the attempted restoration must be abandoned. All that remained was to choose the appropriate time and method. There was considerable sagacity in the view that the deep snow gave an opportunity for the safe dispersal of a Highland army not to be neglected, since it would be impossible to reach the stragglers before they could each find his own home, and, divested of martial characteristics, be found in the condition of the peaceful peasant. It was believed, indeed, that Argyle had calculated on the same results,—that he was desirous rather to let the insurrection die than to extinguish it : and, to let his countrymen have an opportunity of escaping, had protracted his operations until the snow fell, determined to complete them at the least favourable moment for the pursuit of fugitives. On the side of the insurgents, it was remembered that even if they held Perth against Argyle, he could cross the frozen river, and effectually cut off the communications, so that the leaders would be prevented from escaping abroad by the coast, and the Highlanders from gaining the refuge of their mountains. To some, to whom these views were not convincing, it was mysteriously whispered that there was a deep perfidious plot within the camp to seize the prince and sell him to the enemy.

When the remaining Highlanders saw that the prospect of a battle was hopeless, they rapidly melted away in their

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<sup>1</sup> Account of Proceedings at Perth.



usual manner, dispersing by hundreds in the direction of their particular valleys.<sup>1</sup> On the 30th of January—uneasily noticed as the anniversary of the martyrdom of Charles I.—the retreat was organised, and it began at midnight. The main body, ever dwindling by desertion, crossed the river on the ice, marching on to Dundee, and thence to Montrose. Argyle, hearing that Perth was empty, entered it at the head of 600 dragoons on the 31st; but his main force, glad, after the hardships they had endured, of the shelter of a town, remained there two days' march behind their enemy.

When the insurgents reached Montrose on the 3d of February, the diminished army, whose suspicions had been roused by the coastward direction of their route, were alarmed by seeing some French vessels close to the harbour, while they noticed other indications of desertion. To appease their suspicions, the usual parade was kept up round the prince's quarters, a march was ordered that night, and his baggage was forwarded. But the plan for an escape had been accurately prearranged, and the prince, accompanied by Mar, walked by a by-lane to a boat in waiting to convey them to a French vessel, which a few days afterwards landed them between Dunkirk and Calais. This incident gave, of course, an impulse to the desertion. General Gordon, left in command, entered Aberdeen on the 6th, with little more than 1000 men. Here, as a radiating point, they dispersed in groups, no longer preserving the pretence of an army, while about 140 of the leading men were conveyed to France by vessels sent by instruction to hover along the Aberdeenshire coast. A considerable number of gentlemen, who lost this opportunity, passed through the Highlands to Burghead, on the coast of the Moray Firth, and there

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<sup>1</sup> As a method of emphatically describing this peculiarity, it appears that at the beginning, "One of their leaders remarked, that he feared the Highlanders would desert their colours in three cases: 1st, If they were long without being brought to action, they would tire and go home; 2d, If they fought and were victorious, they would plunder and go home; 3d, If they fought and were beaten, they would run away and go home."—Master of Sinclair's Narrative.

taking boat, crossed through Caithness to Orkney. They were picked up by a French vessel, and conveyed to Guttenburgh, where they were welcomed by the King of Sweden, who in the middle of his wild projects, could not have received more acceptable visitors. No man of consideration was seized in Argyle's march. When he reached Aberdeen on the 8th, there was not an army to oppose him. A few stragglers only, amounting to about 200 men, were overtaken in the pursuit and made prisoners. So ended the rebellion of 1715.

## CHAPTER XC.

## POLITICS FROM THE '15 TO THE '45.

DISPOSAL OF THE CAPTIVES IN THE WAR—DIFFICULTY OF GETTING CONVICTIONS IN SCOTLAND—TRIALS AT CARLISLE AND LONDON—THREATENED INVASION BY CHARLES XII. OF SWEDEN—ARRANGEMENTS IN SPAIN—THE EARL MARISCHAL AND HIS BROTHER—BATTLE OF GLENSHIEL—THE JACOBITE COURT—THE TRUSTEES—THE DEPOSITION AND RESTORATION OF ARGYLE—SECRETARY OF STATE FOR SCOTLAND ABOLISHED—DISPOSAL OF FORFEITED ESTATES—COMMISSIONERS APPOINTED—THEIR QUARREL WITH THE COURT OF SESSION—MALT-TAX—RIOTS IN GLASGOW—CONFLICT WITH THE EDINBURGH BREWERS—INVETERACY OF SMUGGLING—THE PORTEOUS MOB—MEASURES FOR QUIETING THE HIGHLANDS—FORTRESSES AND ROADS—DISARMING OF THE HIGHLANDERS—COMMENCEMENT OF HIGHLAND REGIMENTS.

WE have seen to its end the attempt to restore the lineal succession in the house of Stewart, and to break the parliamentary settlement in the house of Hanover. The chief question remaining was, what were the victors to do with the many hundreds of the vanquished, with whom the fortresses and prisons were crowded? No Government can extend to defeated insurgents the privilege of prisoners of war, without opening the way to continued insecurity, and causing more public misery than the utmost severity can create. The security which nations have against the turbulent dispositions of their neighbours is, that they cannot be assailed by isolated collections of individuals: the State itself must make war. But if a Government were to treat all the individual subjects who disturb its order, with the etiquette due to nations mak-

ing war with it, all guarantee for internal tranquillity would vanish. No diplomatic interchanges, no consultation of other powers, no formal government arrangements and preliminaries, would be necessary. Whenever interest or passion excited them with sufficient force, bands of the people would rise against any Government, however beneficent, if the alternative were success, or a treaty without punishment.

The weight of responsibility and the martyrdom by axe or gibbet, that attests their sincerity, are the proper alternative of the leaders—as we go downwards there are palliations. We come to those who have not made the contest, but have taken the worse side in it after it was made for them. In the insurrection just ended, indeed, many of the followers were innocent of true rebellion. They were obedient to the Government which they saw established; for during several months, Scotland north of the Forth was under the rule of Mar, who called himself commander-in-chief for his majesty King James VIII. In many instances, those who were nominally rebels had been pressed into the service by the virtually existing Government.

But even to the leaders there was a palliation on this occasion which did not attend the subsequent rebellion of 1745. The epoch of a change of dynasty is an appropriate time for strengthening the hands of the new Government so as to suppress opposition; but it is not an appropriate time for a sanguinary retaliation on those whom the neglect of precautionary arrangements has tempted to resist the new order of things. It must always be remembered, that the friends of the abjured system have strong temptations, if not justifications, for setting it up if they do not see the new system firmly established. At such a juncture as a change in the occupancy of the throne, they have many excuses for desiring to try over again the great political question in which they have been defeated, if the force against them be not overwhelming.

So it was in Scotland. The Hanover succession was unprotected. The adherents of the Stewarts were tempted to try over again the question of their expulsion. Since

the first mistake of neglecting to protect the country had been committed, the best remedy was to show that power enough existed for overwhelming insurrection and rendering a second outbreak hopeless. This was the spirit countenanced by the victorious general and the administrators of justice in Scotland. Duncan Forbes, to whom, far more than any other man, the country owed its relief from the subsequent rebellion, predicted that excessive penalties and forfeitures following the first outbreak against the Hanover succession, would infallibly lay the foundation of another.<sup>1</sup> Forbes, at the time when he took up this stand, was an assistant law-officer of the Crown. When such sentiments prevailed in such a quarter, it was vain to seek vengeance through the penal institutions in Scotland. Some few were put to death under martial law in Scotland. But, though attempts were made to enforce the new treason law, it is questionable if in Scotland any instances occurred of punishment by the courts of criminal justice for concern in the insurrection. The penal retributions were inflicted through English tribunals, and were thus treasured in the Scots mind as a national aggression and injury.

The first great supply of prisoners was naturally obtained at the reduction of Preston, which filled the western prisons to overflowing. Instant arrangements were made for punishing those who had held commissions in the British army. Thus, by order of court-martial, Captain Philip Lockhart, the brother of the annalist ; Major Nairn ; Ensign Erskine ; and John Shaftoe, an Englishman, were shot. Captain Dalziel, when brought to trial, was able to show that he had resigned his commission, and that the vacancy was filled up, so that he escaped death ; and Lord Charles Murray with difficulty obtained grace on the statement that he had made over his commission to a relation, and had drawn no pay.<sup>2</sup>

The miscellaneous crowd of prisoners were tried by commission of Oyer and Terminer at Liverpool, selected

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<sup>1</sup> Culloden Papers, 62.

<sup>2</sup> Lancashire Memorials, 176 ; Patten.

for the great judicial solemnity on account of the loyalty of its citizens. A large number, found guilty, were distributed among the Lancashire towns for execution; and the public mind was brutalised by scenes too closely analogous, in their external character at least, to Jeffreys' campaign. It is painful to see, on the lists, the many Highland names followed with the word "labourer," indicating that they belonged to the humblest class.<sup>1</sup> Too implicit allegiance had been the weakness, instead of rebellion being the crime, of these men; and in many instances they had been forced into the service for which they were punished, as absolutely as the French conscript or the British pressed seaman. More even to be pitied than the victims consigned to the industrious hangman, were those who, in the mercy of the Crown, were sent to the plantations, where, except a few who might be the accidental favourites of fortune, they lived in abject and harassing slavery.

The most distinguished among the prisoners were conveyed to London in a large body; and their reception in public procession, called from the zealous Whig historian Oldmixon a comparison with the august ceremony of the Roman triumph. Tales about intriguing Jesuits, the Inquisition, chains, gags, and anthropophagous Highland savages, had created alarm and anger in London, and made the Jacobites extremely unpopular. The London mob, though never sanguinary, is sufficiently rude and offensive in its exultation. Until their sickening of the continued slaughter produced a reaction, they enjoyed with boisterous hilarity the fall of the Jacobites, yelling forth ribald lampoons, and jangling harsh music upon warming-pans, as symbolic of the reputed origin of the Pretender. Yet the victims had, in some measure, a consolation for their unpopularity, in the warmth of their sympathising friends; and as Jacobite enthusiasm has ever been apt to assume a liquid form, it was observed

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<sup>1</sup> See the Lancashire Memorials, and the collection of documents published in 1717, under the title, 'A Faithful Register of the late Rebellion.'

that, day after day, and week after week, the prisons of London, like favoured taverns at some great fair, overflowed with bacchanalian mirth and revelry. Brigadier MacIntosh, remarkable for the grim ferocity of his scarred face, attracted, in the captive procession, glances which, through the influence of his formidable presence, had in them more respect than ridicule, even from the exulting crowd. Ere he had been long among them, he performed a feat which made him still more the object of admiring awe. While some others, like Forster and Nithsdale, escaped by plot or accident, MacIntosh, though in his fifty-ninth year, aided by some stout associates, knocked down the keeper and turnkey of Newgate, and rushed forth. Like wild beasts accustomed to the jungle, who escape from a menagerie, they felt themselves sadly at a loss how to thread the complicated streets of London, and several of them were taken. Their leader, however, escaped abroad, and lived to be a benefactor of his country by promoting its agriculture. The feat was performed on the 4th of May—the day before the fugitives were to be brought to trial. When the pomp of justice assembled next day, the Londoners thoroughly enjoyed the news that the bold mountaineer had superseded its functions. MacIntosh was decidedly popular among the Hanoverian mob, who celebrated his heroism in ballads which were not flattering to their own countrymen.<sup>1</sup>

The proceedings against the most illustrious of the captives derived an eminent constitutional character from the motion of Mr Lechmere, in the Commons, on 9th of January, for an impeachment of the rebel lords. His speech was memorable in its day, and to the reader of the nineteenth century bears distinct marks of its emphatic political meaning. It solemnly announced the determination of the Commons to supersede the Crown, and take

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<sup>1</sup> In one of them MacIntosh and Forster are thus emphatically contrasted :

“MacIntosh is a valiant soldier,  
He carried a musket on his shoulder;  
Cock your pistols—draw your rapper—  
Damn you Forster, for you’re a traitor.  
With a fa, la, la, ra, da, ra, da.”

the position of accusers, under the old constitutional form of impeachment. It was necessary to teach the new monarch, as well as the world at large, that the Jacobites were not merely rebels against the king, but enemies of the constitution—that this was not so much a question between the German Guelphs and the Norman Stewarts, as between parliamentary settlement and the despotic principle of divine right. To assert this distinction, the Commons came solemnly forward with their impeachment—a form with which the monarch, as the head of the central government, could not interfere; and Lechmere, though a Crown lawyer, well asserted the constitutional privileges of the House.

This was the first step in the impeachment of the Scots Lords, Nithsdale, Winton, Carnwath, Kenmure, and Nairn, along with Derwentwater, the popular hero of ballad romance, and Lord Widrington. And now was tried by the sternest test, the right of these men, on the plea of honest sincerity, to commit their humble followers to a desperate cause, spill blood, and disturb an empire. The zealot martyr offers stern unconfessional silence to the judicial charge—he who has well weighed, and is assured of the justice of his cause, fights it out in the new arena of the judicial tribunal. The selfish losing gambler is penitent, and prays for mercy on the sanction of that humanity which he has not extended to the victims of his ambitious projects. The last was a sadly conspicuous element in the conduct of the impeached lords. They all, save Winton, pleaded guilty. Carnwath and Nairn, in giving their plea, as if it were little more than a form, prayed that the House would intercede for mercy to them; and they made some remarks in extenuation, speaking certainly of their conduct as a crime, but rather as if that were the accepted term which it was right to use, than as if they were guilty beings. But Kenmure and Nithsdale were servilely penitent, with confessions of guilt and adjurations of loyalty which form a degrading commentary on their conduct and character. We know that the entreaties for others to spare them were deeply urgent, and it is perhaps but charitable to suppose, that



in the humiliation of denying their principles, they had but obeyed domestic entreaties to spare themselves. It was not wonderful that the Lord Steward should taunt them with their unhallowed endeavours to dethrone one to whose "divine virtues"—he reminded them that it was their own epithet—they now appealed for mercy. Lord Winton took a position more manly and original. He would not confess himself a traitor. It was abhorrent to the descendant of his high-minded and loyal ancestors to adopt the odious expression. He had been in the army certainly, but not conspicuously or actively, and he had been driven into his position by the exasperating and cruel conduct of his enemies. Protracted by this tardy resistance, the august pageantry of the High-Steward's Court lasted from the 10th of January to the 19th of March. The usual savage sentence was pronounced, accompanied by that customary intimation which mixed the puerile with the horrible, that, in consideration of the rank of the criminals, the more brutal and disgusting characteristics of the butchery would be omitted.

From the high rank, influential social position, and powerful relationship, of the convicts, especially of Derwentwater, efforts—persevering, resolute, almost desperate—were made to obtain mercy. The unusual incident occurred of the wives of Nithsdale and Nairn breaking through the restraints of a court, catching the king by surprise, and personally importuning him. The doors of the Houses of Lords and Commons were besieged by the frantic wives, and the supplicating kin and friends, seeking addresses for mercy to the throne, while they were eagerly seconded within the Houses; yet in both there was a party strongly opposed to a relaxation, not only on party grounds, but from the constitutional risk of opening the question, whether the Crown could defeat the execution of a judgment sought by the Commons and awarded by the Lords through the method of impeachment. The Commons avoided importunity by adjournment. The Lords carried an address to the Crown in favour of their condemned brethren, neutralised, however, in the view of its chief promoters, by a clause limiting its application to

those who should be found to deserve mercy. The king and his advisers were resolved to let justice take its course; and since there was to be so much blood of inferior and less guilty men shed, there was, so far, a commendable firmness in the resolution not to spare the greatest and the most culpable.

Conjugal fidelity and devotion shed a lustre over this dark scene of factious ambition and rigid vengeance. The Countess of Nithsdale earned for herself an undying name among heroic spirits, by accomplishing the escape of her husband; and it is impossible to read her simple narrative without deep admiration of her sagacity, her ingenuity, and her daring—qualities too often devoted to selfish or perverse ends, but here sanctified by purity and self-devotion. Lord Winton, who had led a life of wild vicissitudes, and knew many handicraft arts, put his knowledge to good use, and escaped from the Tower by cutting his prison-bars. Kenmure and Derwentwater met their fate with quiet firmness—the English lord revoking his penitence when he saw it to be certainly useless, and dying in the allegiance on which he had acted. The fate of Carnwath, Nairn, and Widdrington, was suspended until their lives were protected by the Indemnity.

The fate of some prisoners taken in Scotland raised strong national feelings against the Government, even among its friends. Eighty-nine of them having been removed from the other fortresses, and concentrated in Edinburgh, were thence conveyed, on the 3d of September, to be tried in Carlisle. This was immediately denounced as a breach of the judicial independence of Scotland; but the prisoners, in the hands of a military force, had been carried beyond the jurisdiction of the Scots courts before judicial intervention could be attempted. A subscription was raised in Scotland for their defence, as a national rather than a political object, to which many zealous Hanoverians, including persons in Government employment, contributed, undeterred by the indications that at St James's all such countenance was to be treated as a sort of partisanship with rebellion.

Some eminent Scots advocates went to the Carlisle As-

sizes, to give the accused, and the English counsel engaged by them, professional advice. Against their assertion that the Treaty of Union was infringed, a recent Act of Parliament was cited. It had been passed for the convenient trial of the rebels, and especially for relieving Lancashire of its plethora of captives, legalising their trial in counties away from the place of apprehension. The Act might satisfy English judges, but it was so far from affording national satisfaction in Scotland, that it only aggravated by comparison the grossness of the outrage. In fact the statute was known to have been brought in, as its phraseology showed, solely with a view to England; and thus it could be fairly shown how the Government was so fastidiously attentive to English privileges that it would not shift prosecutions from one county to another without an Act of Parliament, while a multitude of Scots captives were removed for trial in England without a thought. It is evident that when the matter was examined, the eminent English lawyers appointed on the commission saw danger in the execution of serious punishments against persons so brought before them. Many of the prisoners were released without trial; others were formally condemned to death; but not one was executed, though several of them appear to have compounded for the miserable lot of transportation to the plantations.<sup>1</sup>

A general act of indemnity at last relieved the fears of those who felt their safety compromised and their exertions cramped by the daily prospect of being involved in some formidable charge. By subsequent events, however, the Government were certainly supported in the belief that, between sympathy with the rebels, and national distaste of the treason law newly imported from England, convictions of treason could not be obtained in Scotland. In the year 1718, after much deliberation, an effort was made to put the treason law in operation in Scotland—a historical incident not generally known, as the policy of the Scots concerning it from the beginning was the silence

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<sup>1</sup> Account of the Rebellion, appended to the History of Scotland By J. W. [Wallace], M.D., Dublin, 1724; 4to. Rae, 387.  
VOL. VIII. v

and resolute inaction which defeated it. A commission of Oyer and Terminer was sent northward, with a body of English and professional and official assistants. The court was opened at Perth, on the 17th of September, when bills were presented against Fullarton of that ilk, and James Freebairn, the printer attached to the Jacobite army; but all that is related of them is that they were ignored. Finding the experiment a failure so near the Highlands, the judges next opened their commission in Dundee, where presentments against Fotheringham of Powrie, and a person named Watson, being ignored, the attempt was there abandoned. In Fifeshire they were more fortunate in the initial step. At Cupar, true bills are reported to have been found against Lord George Murray; Sir James Sharp, the representative of the archbishop; Sir David Thriepland of Fingask; and the son of Moir of Stonywood,—but from causes, the exact nature of which it would not be easy now to discover, no attempt appears to have been made to proceed any further. A commission was next opened in Kelso, where all the bills were ignored.<sup>1</sup>

Among the punishments inflicted for participation in the rebellion must be viewed the course taken with the Episcopal clergy, who had naturally been tempted to come forth in distinct and flagrant advocacy of the cause which they were known to have at heart. In the north, there lingered still a few of the old clergymen of the Stewart dynasty, who, qualifying under the Comprehension Act of

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<sup>1</sup> Scots Courant for September 1718; Chalmers's *Caledonia*, i. 872; Haig's *History of Kelso*, 89. The account of this transaction cannot well be satisfactory to the reader, as it certainly is not to the author; but the affair is one on which contemporary writers are silent, and there is no discovering the records of the commissions of Oyer and Terminer. To see how such prosecutions could have occurred after the general indemnity of 1716, it is necessary to suppose that those prosecuted came under the exceptions of persons remaining after the insurrection in the Pretender's employment, or who, having fled, had returned without licence. Thus these prosecutions seem to have been raised against persons still acting in disaffection. On the whole, it would be desirable, however, to possess more distinct information on the subject.

1695, were permitted to retain their parochial benefices. The small remnant existing through twenty-five years of tolerated obscurity, scattered through a people among whom Presbyterianism had now the decided preponderance even in the north, consisted in general of moderate-minded men advanced in life. To such of them, however, as had a lingering spirit of Jacobitism, a temporary Restoration among them was a strong temptation, and it is not wonderful that a considerable proportion compromised themselves. They were viewed with jealous scrutiny by their Presbyterian neighbours; and the Church courts were for some time much occupied in trials and depositions for failing to obey those injunctions of the ecclesiastical courts which indicated loyalty to the Hanover succession. It was, however, among the Episcopal clergy who had no connection with the Establishment that the zealous clerical advocates of Jacobitism were found. Their punishment lay with the State; and they were prosecuted in clusters under the Toleration Act, with its penalties for failing to qualify, and officiating without praying for the royal family. A distinction began at this period to be taken between clergymen who held orders from the Church of England, and those whose authority came from the disestablished Scots hierarchy; but it was not till a later time that the persevering Jacobitism of the purely national Episcopal communion made the legislature draw a broad line between the privileges of the two classes, which nearly removed all toleration from the native Episcopal Church. It was, as we shall find, from the epoch of the rebellion of 1715, that the British Government was awakened to, and acted on, the fact that the Hanover settlement had a great friend in the Scots Presbyterian Establishment, and a bitter enemy in Scots Episcopacy.

The country had scarcely tasted of repose after the insurrection, when it was startled by the intelligence that the booted King of Sweden, for whom no design was too wild to be beyond the possibility of success, had sworn to drive King George from the throne of Britain, as he had driven Augustus from that of Poland, and to restore the Stewart line. The discovery and the baffling of this pro-

ject belong rather to British and Continental diplomacy than to the local history of Scotland. But it is necessary to deal with another foreign project, because, although equally futile, it met its fate on Scots ground.

Cardinal Alberoni had been detected in his conspiracy to depose the Regent Orleans as a step to the union of France and Spain, under his own foolish master. The Regent, feeling that the natural enemy of his position was the junior branch of the house of Bourbon, leaned to Britain as the most effective alliance for France, and resolving seriously to discountenance the Stewart cause, entered into the quadruple alliance against Spain. Hence it was from Spain, not from France, that the Jacobites must now look for help.

The Duke of Ormond, who had taken refuge in France, received a summons from the mighty Cardinal to a conference at Madrid, whither he was followed by two young Scotsmen, the Earl Marischal, and his brother, afterwards Marshal Keith. Their movements required to be cautious and well disguised, as the two countries being at war, all passengers between them were liable to rigid scrutiny.<sup>1</sup> Before they had reached Madrid, the Cardinal had arranged his project, and he sent the two young men to Valladolid, to adjust the details with Ormond. In addition to the supplies furnished to the Duke of Ormond, who was to land in England, the Keiths demanded 4000 stand of arms, and 10,000 pistols; but the well-drained treasury could only afford the half of each, and the young men were to be accompanied by six companies of infantry, to cover a landing. Leaving his brother to accompany the expedition from St Sebastian, the younger Keith had the perilous duty of whispering the great secret to the Jacobite refugees dispersed through France. He took counsel with Tullibardine, Seaforth, Campbell of Glenderule, and a few other exiled leaders, with whom at last, after much exer-

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<sup>1</sup> See the account in the autobiography of Keith. He was surprised by the respect which he and his brother received from some Spanish officers, and discovered afterwards that it arose from the Pretender being then expected to enter Spain in disguise.

tion, he embarked in a small vessel of twenty-five tons at Havre, on the 19th of March 1719.

After narrowly escaping capture by the fleet sent in search of Ormond's larger department of the expedition, they found the Earl Marischal and their other friends, who had been despatched with the force from Spain, at Stornoway, in the Lewis. In this little force there was serious division. Lord Marischal was the person intended by Alberoni to take charge of the expedition; but by some finessing, a commission from the Chevalier was produced, which had been intended for vesting the chief command in Tullibardine, if the Swedish king's expedition had embarked. He took the command of the men, but Marischal kept authority over the vessels, as specially committed to him by Alberoni.

The main feature of the design was to land on the west coast, and, marching through the glens, surprise Inverness, then feebly garrisoned, and form a centre for the reassembling of the clans. The adventurers were so long delayed, however, by disputes and other incidents, that the Government were prepared to crush the attempt.

It was the middle of May ere the small expedition entered the solitary Loch Alsh, which winds deep among the high, abrupt, but green and cheerful mountains of the west. Landing the men, the vessels returned to Spain. The first operation was an endeavour to fortify the entrance of the inner reach of the loch, called Loch Duich; and they occupied the old fortalice of the MacKenzies, Eilandonan Castle. Impregnable in old Highland warfare, the rude square tower could offer little resistance to modern gunnery; and three English vessels of war, entering the loch, battered it to pieces. The Spaniards, with their Scots companions, and the auxiliaries who joined them, making in all about 1500 men, encamped in temporary huts in the wild solitude of Glenshiel. Hearing of the defeat of the main expedition by a storm, and disappointed in the amount of reinforcements expected from the Highlands, they seem to have remained dubious and inactive. General Wightman, with a force of 1600 men, accompanied by portions of the clans in the Government

interest—the Frasers, the Monroes, and the Sutherland men—marched westward from Inverness early in June.

Few places could afford better passes for defence than Glenshiel—a narrow valley, pierced by a deep, roaring torrent, with precipitous mountains rising on either side to a vast height, and only to be crossed by rugged winding footpaths, unknown except to the natives. On the 11th, Wightman arrived in sight of the position; and in his despatch, he acknowledged that he hesitated to venture on a contest in such formidable ground. His plan was to send a detachment farther up the mountain, so as to harass the enemy from above during the main attack, which began at five o'clock. Contrary to the usual character of Highland battles, the contest lasted for three hours, having been apparently all along a struggle for the advantage of ground. Neither party was absolutely victorious, but it was resolved next day that the Spaniards should yield themselves prisoners of war; while the Highlanders were able, among those formidable mountains, so effectually to disappear, that none of them could be caught. Lords Seaforth and Tullibardine, though both wounded, escaped by the aid of their friends. Wightman lost 21 men, and counted 121 wounded; but he had the triumph of bringing into Edinburgh 274 Spanish prisoners.<sup>1</sup>

The Government, relying on the powerful diplomacy of Lord Stair, sought one security for the peace of the country in the removal to a distance of the Prince whose existence was a perpetual centre round which foreign hostility could always gather. It was the interest of the Regent Orleans to keep well with the English Government: but it was also his interest to preserve in his possession every possible latent instrument of hostility; and France could never possibly be in a position where it was not desirable to have a Pretender to the British throne at hand, ready for use when the occasion offered. Nominally beyond the French territory, it was convenient to have him virtually within it at Avignon or Lorraine. But Lord Stair was as conscious of this convenience as the Regent. His hands

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<sup>1</sup> Keith's Autobiography; Scots Courant, May and June 1719.



were strong, and he demanded and obtained a stipulation that the Pretender should henceforth live beyond the Alps, and should, under no circumstances, be permitted to set his foot on the territory of France.

In his retirement into Italy, the Prince carried with him a small body of his adherents, and others remained scattered over France; but all busied themselves in projects for a restoration. The multitudinous letters and memorials of these petty courtiers have been greedily sought out, as if they were a mine of enduring interest; but the portions of them which have seen the light have generally been discarded, by a kind of reaction, as less worthy of notice than they will be found on examination to be. There would be a great temptation to describe the restless rivalries, quarrels, and combinations of this little idle Court, were it not necessary to reserve all available space for home matters; and it must suffice to say, that in Scotland there were difficulties between the exiles who surrounding their monarch considered themselves entitled to direct the management of his affairs in Scotland, and those friends of the cause who ventured to abide in Scotland. These, especially Lockhart their leader, thought that the task fell more aptly to their own uncontrolled hands. He proposed that "the King" in his absence should be represented by a body of resident "Trustees" like the Lords Justices who acted for "the Duke of Hanover" when he visited his proper dominion. Atterbury and the other advisers at Albano disliked this project. No written commission appointing such a body could be obtained, and there was a good-natured plea against such a warrant that it might compromise the safety of those named in it. But Lockhart took this for consent and organised the Trustees. They had an opportunity for quarrelling with the Jacobite clergy, and seem only to have been saved from deeper quarrels with the Court of Albano because neither body could find anything to do or to quarrel about.

But whether in Scotland or Albano, those who sacrificed all for the cause of the exile could win from him no warmer acknowledgment than a decorous admission that they had done their duty with becoming submission,

with an admonition steadily to pursue the same dutiful course. A deposed king of the old feudal system would have bade his followers God speed, leaving them to find a more prosperous leader, or abide by the fortunes of their old master for weal or woe if they so liked. But he was as arbitrary and exacting as the strongest-handed and most self-willed of reigning despots could be. He knew nothing beyond the rules of rigid obedience, permitting no relaxation, except in the instances where, securing himself by the support of his Jesuit advisers, he permitted any of his followers to profess desertion to "the rebels," in order that they might occupy a better position for the fulfilment of their loyal duty.

But it is scarcely fair dealing to measure his conduct by the restraints we adjudge to ordinary ambitious rulers, for essentially his was a kingdom not of this world. Hereditary succession in the male line was one of the demonstrable problems in genealogy, and genealogy was becoming an exact science. It had the fortune not acquired by other exact sciences, that personal and political interests attached themselves to it; and hence the divine right of lineal succession was not only an application of genealogical science, but became a secular policy and a religious creed. Under the genial instruction of his Jesuit Court, assisted by his own narrow egotistic nature, the exile obtained that clearness that was not to be darkened or obscured by human reasonings or events. As sure as there was a God above, with His representative in Saint Peter's chair, so sure was there a legitimate line of sovereigns over Britain, that must in the end hold rule there, however it might be interrupted by the rebellious and the blasphemous. It might be in the all-wise adjustment of this rule, that he was not destined to hold in it his natural place. If so it were, he had nothing to offer but cheerful submission. There was something indeed in his lethargic nature that made the alternative on the whole a pleasant one. If he was not to gain a secular crown, he obtained the spiritual crown of martyrdom—and it was a martyrdom sweetened by indolence and luxurious enjoyment.

In the purely home politics of Scotland, the matter of

deepest interest after the flight of the Pretender, was the conduct of the Government to that leader who was believed to have done more than any other man for the suppression of the insurrection and the safety of the constitution—the Duke of Argyle. In June 1716 it was heard in Scotland with indignant surprise that he had been summarily deprived of all his high offices, and, as it is historically termed, “disgraced.” The event was a parallel to the fall of Marlborough, when the Masham influence prevailed in 1710. Its immediate cause is not, and may perhaps never be, known. It naturally helped other incidents to revive, in the Scots Whigs and Presbyterians, the exasperation against England, out of which they had been frightened by the incidental risk of a Jacobite restoration. The friendly or the charitable attributed his fall to his moderation and humanity, while the hostile and malignant naturally suspected him of treachery.

The effect of the attack on one so powerful and popular among the Presbyterian Whigs, was immediately perceptible. At the meeting of the General Assembly in 1716, a congratulatory address on the suppression of the rebellion was prepared to be laid before the king. It gave all the temporal glory of the deliverance to the victorious general, the Duke of Argyle. When the address was voted, the Lord Justice-Clerk, the notorious Lord Grange, desirous to propitiate the prevailing influences in the Government, by neutralising the honour to Argyle, proposed that the name of Cadogan should have a place in the address. After a vehement battle this proposal was lost. An attempt by Grange and his followers to reject the address, was next defeated; and the popular party carried the name of their hero to the throne in triumph.<sup>1</sup>

The exiled Court thought it so natural for the outraged statesman to become the enemy of the offensive Government, without thinking of the country at large, that it was deemed only necessary to offer him a hint that his services

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<sup>1</sup> Acts of Assembly, 1716; Wodrow's Correspondence, ii. 186; Life of Colonel Blackadder, 482.

were expected, and would be duly rewarded. But, however deeply exasperation may have burned into his proud heart, his memory stands free of any known encouragement to the enemy, and he found a more congenially British post of opposition, in joining the party of the Prince of Wales, afterwards George II., in opposing the Government of his father.

The sunshine of the Court, however, returned as suddenly and unaccountably as it had departed. In 1719, Argyle was appointed lord-steward of the household, and received a British dukedom. Afterwards it became the policy of Walpole to hand over the administration of Scotland to the house of Argyle; and when the duke himself happened to be discontented with the Court, it seems to have served all purposes effectively to accept of the services of his brother, Lord Ilay. This viceroyalty, in effect though not in name, was in harmony with the peace minister's method of seizing the shortest way of ruling effectively and beneficially, without a thought about constitutional results. The brothers had great local power. They were inclined to use it for the Government, if the Government would back them. It did so, and saved the statesmen of Whitehall from much anxiety and perplexity in the management of a people whose peculiarities they never could comprehend, and whose prejudices and prepossessions they were unexpectedly outraging, when acting in innocent unconsciousness of their existence.

The period when the Argyle family reached the summit of their power was the year 1725, when something like a ministerial revolution occurred in the management of Scots business, without affecting the position of the great British parties. During the eclipse of the Duke of Argyle, the Scots influence had been wholly, and after his restoration it continued to be partly, exercised by a sub-party who are occasionally called the Squadrone. Their ministerial leader was the Duke of Roxburgh, secretary of state for Scotland. The correspondence of the day shows that, whether from design or the natural result of a bad system, he was officially implicated in the dis-

turbances of that year, to be presently related. It was felt on the occasion that a separate secretary of state for Scotland was so inconsistent with the official subordination of a cabinet, and so fruitful in intrigues and local disarrangement, that the office remained unfilled.

At any other juncture than that which crowned the rising influence of the popular Argyle family, this would have been counted a new blow to Scotland; and the people would have lain in wait to expose the insolent ignorance of the English secretary of state, carelessly adding the business of a nation, of whose institutions and habits he knew nothing, to the original business of his office, as if it were a trifle not worthy of thought. It happened, however, that besides the rise of the great brothers, there was another facility given to the transaction of Scots business in the contemporaneous appointment of their friend Duncan Forbes as lord advocate. The business of the superseded secretary indeed fell into his hands; and it appears to have been because there was a man of his courage, ability, and perseverance, ready to take them up, that the greater portion of the old secretary of state's functions came to be joined with those of the first law officer of the Crown.

The Scottish secretaryship was nominally restored by the appointment of Lord Selkirk, in 1731; and the last person who held the office was the Marquis of Tweeddale, who resigned it at the conclusion of the '45.

The death of George I., in 1727, created no alteration in the settlement, as it might be termed, of the government of Scotland under the Argyle administration. In the understanding that Walpole would fall, and be superseded by Compton, the prospective minister of the Prince, there was, of course, some fear of change, though in what particular direction was not distinctly anticipated. But the almost dramatic incidents connected with the restoration of the dexterous statesman belong to the great field of British history.

On turning from the position of parties to the substantive acts of Government which followed the insurrection, it will be found that the forfeiture of estates became a

prominent matter in Scotland, since it necessarily affected not only the position and fortunes of many important people, but the tenure of land over a considerable part of the country. In addition to the forfeitures against convicted insurgents, a large breadth of land was forfeited by special statutes, passed for attainting the Lords Mar, Tullibardine, Linlithgow, Drummond, Marischal, Southesk, Seaforth, and Panmure. By Act of Parliament, these domains were put into the hands of a body of commissioners, consisting of gentlemen having large parliamentary influence, of whom Sir Richard Steele was one.<sup>1</sup> The powers conferred on them were of an honest and constitutional character, and surrounded by precautions for securing the forfeited property for the public exchequer. Yet there was matter of irritation in the statute, such as a little attention to local peculiarities would have obviated. Any one who read through its tedious clauses could see, that though it was to be chiefly in force in Scotland, it had been prepared by men who knew only the English institutions and English phraseology, calling young men "infants," and wives "femes covert," and talking of persons "seized of an estate tail in possession," and of investment "without further office or inquisition."

The commissioners were appointed to deal summarily with the estates as if they were so much contraband goods in the hands of revenue officers. But the provisions could not be thus enforced. Scotland had long boasted of a scientific system of land registration, and like other arrangements for the tenure and transmission of property in constitutional countries, even an order of the supreme legislature, if it did not set at work the old-established machinery, could not provide a new arrangement for disposing of private rights. There were creditors, and other persons, who had patrimonial claims on

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<sup>1</sup> "An Act for appointing Commissioners of the Estates of certain Traitors, and of Popish Recusants, and of Estates given to superstitious uses, in order to raise money out of them severally for the use of the publick."—1 Geo. I., c. 20.

the estates, and they applied to the constituted authorities of the country, through which all such claims in ordinary cases required to pass. The commissioners appointed Receivers, but the name was a novelty in Scotland. The Court of Session knew no such functionaries, and the commissioners had no means of invigorating their receivers with effective power. The Court of Session, on the application of creditors and other claimants, granted "Sequestration" of the estates. The commissioners, in their turn, did not know what sequestration meant, and were angry, but impotent. Applying to the Government for increased powers, they complained that they were interrupted in transacting their business by a body calling itself the Court of Session, which exercised so much authority over Scotland, that the commissioners could find no means of getting their orders and decisions put in force, while they were baffled by claims and adjustments made under strange technical expressions which they did not understand. A bill was brought in forthwith to remove the difficulties, as if the administration of proprietary justice in Scotland were part of the official function of the executive which must not be disturbed.

The judges of the Court of Session now deemed it necessary to come forward in public defence of the legal system committed to their administration. They represented that, by the Treaty of Union, the internal laws of Scotland were preserved, along with the courts whose office it was to administer them. These laws, and the duties of the courts, might be altered by Parliament from time to time; but they maintained that the appointment of a separate tribunal, not cognisant of, or bound by, the rules of Scots law, having a large portion of the property of the country put at its disposal, was not a legitimate alteration of the system by Parliament, but was a transference of the parliamentary power of disposing of it to an executive body unknown to the constitution.<sup>1</sup> They

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<sup>1</sup> Memorial by the Lords concerning a bill under the consideration of the House of Commons in Parliament of Great Britain, intituled in their votes,—“A bill for enabling his majesty to grant relief to

mentioned that they had never been consulted about the bill, of the contents of which they had only accidentally heard in time to enable them as the guardians of the law to protest against it.

The remonstrance did not prevent the passing of the measure, which was opposed in the House of Lords by the Duke of Argyle and Lord Ilay, and carried by 82 to 76. It empowered the commissioners summarily to sell the estates, and give effect to the claims of creditors, as in the administration of the bankrupt law. The sequestrations made by the Court of Session were annulled ; and any persons professing to hold under them were to be proceeded against in Exchequer, as persons, under the revenue law, contumaciously withholding the property of the Crown. But, whether or not owing to the judicial remonstrance, an appeal was provided from the decisions of the commissioners to a court of delegates, consisting of the judges of the supreme court.

The forfeited estates were principally purchased by the celebrated York Buildings Company, who made efforts to improve the country and create a spirit of enterprise, in which they were baffled, not only by the inconvenience of their own corporate management, but from their alien and almost hostile repute in the community. Their difficulties are characteristically shown at this day by the many serious litigations to which they were parties, reported in the books of decisions. The sale of the estates brought but trifling sums to the public, for whose benefit they were professedly appropriated. From the clannish spirit of the Scots, it never was easy to realise much sterling money from a forfeiture ; and on this occasion there seemed to be a tacit combination through the community to enclose the property with a net-work of debts, burdens, and old family settlements, through the meshes of which the commissioners could only extract fractional portions. The lawyers had the triumph of seeing that

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the wives of the forfeited persons, and for relief of creditors upon forfeited estates, and for the effectual bringing the rents and profits of the said forfeiture into the Exchequer."



the plan to sell, like contraband merchandise, property held under the complex tenure of Scots feudality, proved a failure ; and it was found necessary to pass an Act readjusting the estates, in the new hands to which they passed, to the dominion of the old feudal rules.

In the mean time, the Parliament House found an opportunity for appropriately showing dissatisfaction with the Government in its unceremonious usage of national institutions. Mr Patrick Haldane, a gentleman who had made himself useful as one of the commissioners for disposing of forfeited estates, received from the Crown an appointment as a judge of the Court of Session in the year 1722. The Faculty of Advocates, led by Duncan Forbes, resolved to oppose that appointment. They found that it was so far in literal conformity with the Treaty of Union, that Haldane had been five years a member of their body. But he had only nominally belonged to them, like men eating their terms at the inns of court in later times. He was a member of Parliament. Having been a commissioner of forfeited estates, it was alleged that the performance of his official duties was incompatible with the supposition of his having really practised as an advocate. The intensity with which their passions were engaged in the matter was shown by minute pedantries, of which they would certainly have seen, in other conditions, the ludicrous effect. It was insisted that Haldane seldom gave himself the trouble to wear a gown, but might be seen occasionally in the courts with his sword ; and the fictitiousness of his professional position was brought to a climax by the statement, "that Mr Haldane had not so much as a pin put up by the Faculty's gown-keepers, so small was his attendance." Long pleadings were heard on either side, and the Court came to the conclusion that Haldane had not made out that he was qualified to be received. Sharp and almost hostile communications passed in the mean time between the Court and the Government. But as the form in which Haldane was excluded was held to be a judicial decision, it was taken up to the House of Lords, and there reversed, on the 4th of February 1723.

This reversal was treated by the Court of Session in a temper approaching to fierceness. They believed that they could exclude Haldane on grounds not covered by the reversed decision, and opened an inquiry into his personal and political character, in the expectation, it would seem, of damaging his reputation for loyalty to the Hanover dynasty. The Government, perhaps, acted wisely in the end. Seeing that such an appointment, if carried by force, would do much to injure the administration of justice, the nominee was withdrawn. But it was resolved at the same time to put an end to a power misplaced in a judicial bench, and inconsistent with the authority of the Crown acting by its legitimate advisers. Accordingly an Act was passed abolishing the veto, but leaving to the bench the privilege of subjecting the presentee to an examination, and reporting the fact if they found him disqualified, the Crown retaining the absolute right of appointment. This Act was passed in 1723. The "Extraordinary Lords," having rather indecorously forgotten their merely ornamental character, and voted against Haldane, an opportunity was taken for abolishing them, as an anomalous relic of the old judicial system of Scotland.

For all the care taken by the commissioners of the Union to anticipate the adjustment of taxation, some difficulties still remained to be settled. Though there was, as we have seen, much discontent about the conduct of the English revenue officers immediately after the Union, it lulled down when the cause was seen to lie rather in national manners and bad taste, than any desire to oppress the Scots with taxation. But money was wanted; and that always vain attempt which Turgot called plucking the fowl without making it cry, had to be adventured in 1724. The Government desired to raise £20,000 in Scotland by a tax on malt. Indeed, nominally the country was already subject to the same tax as England—6d. per bushel—but it had not been collected. It was now resolved to levy a portion of it. There is no better account of the specific nature of the original design, than that which Lockhart gives in his Register of Let-

ters.<sup>1</sup> As he claims credit for having, with his Jacobite coadjutors, fomented the national antipathy to the measure, "quietly and underhand," it may be questioned if his account of it is quite faithful. He says that the intention was to levy 6d. a barrel on ale in Scotland, and to deprive the country of the export bounty on grain, while it was to be still enjoyed by England. Violent addresses were sent from various bodies of country gentlemen. Under the organisation of the active Jacobites, the indignation of these country gentlemen grew deeper; and designs were entertained for the constituencies, in a body, declaring that those Scots members who voted for the measure were not their genuine representatives, and choosing others—probably to meet in Scotland, and merge into a national Parliament, should the dispute deepen.

The measure for a duty on ale was abandoned. A statute was passed, however, in that form peculiar to the fiscal legislation of England, where a lumbering accumulation of heterogeneous details seemed to be piled up for the purpose of hiding as far as possible the great object of raising money. The very title was longer than many complete Scots Acts.<sup>2</sup> Through all its intricate obscurities, however, eyes sharpened by self-interest were soon able to discover a plan to draw money out of Scotland. The small duty of 3d. on each bushel was to be paid on malt, but it was to draw twenty thousand pounds of sterling money; for if the duty, as originally laid on, were to fail

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<sup>1</sup> Lockhart Papers, ii. 134 *et seq.*

<sup>2</sup> Act 1 George II., cap. vii.—"An Act for continuing the duties upon malt, mum, cyder, and perry, in that part of Great Britain called England; and for granting to his majesty certain duties upon malt, mum, cyder, and perry, in that part of Great Britain called Scotland, for the service of the year one thousand seven hundred and twenty-five; and for transferring the deficiency of a late Malt Act to this Act; and for explaining a late Act in relation to stamp-duties on newspapers; and for appropriating the supplies granted in this session of Parliament; and for disposing certain overplus money to proper objects of charity; and for making forth duplicates of exchequer bills, lottery tickets, and orders, lost, burned, or otherwise destroyed; and for giving further time to clerks and apprentices to pay duties omitted to be paid for their indentures and contracts."

in producing that amount, there was to be a surcharge on maltsters to make it up. This modification of the original project appears to have been deemed so likely to be peacefully received, that none of the Scots members opposed it; but, apparently owing to the diligent exertions of the Jacobites, the public mind had fermented, and a crisis was not to be escaped.

The malt-tax was contemporary with the disarming act and General Wade's march to the north. Though his operations were directed against the old enemies of peace and order in the Highlands, he found uses for his troops in the low country, which made the Government and its military operations supremely unpopular throughout the whole of Scotland. The method of levying the malt-duty was open to those charges of being inquisitorial, which harassed the existence of Walpole, and baffled his favourite schemes of taxation by what he deemed a barbarous clamour. The brewers of the chief towns met in conclave in Edinburgh, and organised a resistance to the tax; and they were not grieved to find that the first demonstrations against it were taken out of their hands by a more formidable power.

Daniel Campbell of Shawfield, the member of Parliament for Glasgow, lay under the suspicion of having given Government the information on the habits and statistics of Scotland necessary for the preparation of the malt-tax, as well as of having exposed a system of evasion of duties in the Scots tobacco-trade. Such charges exposed him to the odium of being a spy and a betrayer of his country. He had just built for himself a handsome new mansion, and some manifestations of popular irritation made him apprehensive for its safety. He sent to Wade, then in Edinburgh, for military assistance, and a party of 110 men was sent westward. The 23d of June, the day when the malt-tax was nominally to come in force, was conspicuous for extreme popular restlessness in Glasgow. Next day it was known that English troops were at the order of the imperious and suspicious member, and the cry went forth, that having betrayed his countrymen he was now going to enslave them, by bending their necks beneath a military

yoke, and to butcher them if they resisted. At midnight the mob rose, and, with a man in woman's dress leading them, tore Campbell's new house to ruins. The member was engaged in a convivial party with the magistrates, all joyful in the prospect of the danger being over, when news came to them of this outrage. When the troops arrived the guard-room was not in a condition to receive them, and they were quartered through the town. Their commander, Captain Bushell, desired to know from the provost if he should beat to arms; but, apparently under the influence of his convivialities, the magistrate would not, or could not, give a distinct answer. Next day the men were quartered in the guard-house, which became the main object of the mob's capricious hostility. The sentinels were galled at their posts, and the mob misjudging, as it generally does, the cause of the patient discipline which bore their insults, aggravated them until the military spirit could endure them no longer. The party were ordered out, formed in a hollow square, and fired. It was reported that eight of the people were killed and several wounded.

A cry now arose that the English troops were slaughtering the people. It was no longer a mere street riot; it was coming, as the citizens felt, to be something like a war of independence. A rush was made on an old magazine of arms—probably those which had been sent by the Convention to arm the Cameronians at the Revolution. The spirit of resistance grew so formidable that there were fears for the small military party being torn in pieces—"De-witted," as it was termed, by the mob. The provost recommended that they should be removed, and they marched to Dumbarton, hooted forth on their way by the victorious mob, infuriated by an exaggerated account of the slain. The vicinity of Wade's force, on its way northward, afforded an opportunity of crushing this outbreak not to be neglected. A regiment of foot, seven troops of dragoons, an independent Highland company, and a field-piece with its service, were sent westward from Edinburgh. This formidable force at once created quietness, accompanied by lively apprehension in those who

had countenanced the outrages. Several prisoners were removed to Edinburgh, among them the magistrates as failing in duty. Against them no criminal prosecution seems to have been raised, but several of the active rioters were punished.

The cry against Captain Bushell, for acting without authority from a magistrate, rendered it necessary to bring him to trial. A verdict was found against him, but he received a royal pardon. It is pretty clear that he had only used the military commander's privilege of defending his post, and that he had made no aggression on the people. But this leniency was remembered twelve years afterwards, and steeled the hearts of those who determined to execute on Porteous the judgment of the nation, for a crime which it was believed that the Government would not punish, because the Scots people were its victims. Glasgow was deeply exasperated by this series of afflicting events ; and the Jacobites, as they are represented by their annalist, Lockhart, enjoyed a bitter exultation at having planted this rankling arrow in the heart of that community who had been the most zealous promoters of the Revolution and adherents of the Hanover succession.<sup>1</sup>

A war against the new tax was carried on in Edinburgh, in a more pacific, but, at the same time, a more formidable shape. It was known that the brewers were prepared to combine and take advantage of the popular clamour. Measures were taken for the protection of the revenue, and what was deemed the public interest, in a strange manner, and in as strange a quarter. The incident, indeed, is powerfully illustrative of traditional peculiarities in the administration of justice in Scotland, calculated to overwhelm an English common-lawyer with astonishment. The supreme court of law followed up its old prætorian authority by regulating the commerce in beer, and protecting the drinkers from imposition, by "An Act for preventing the Sale of bad Ale." The seventh article of the Treaty of Union spoke of the Scots ale as a liquor

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<sup>1</sup> Wodrow's *Analecta*, iii. 205 ; Clelland's *Annals of Glasgow*, i. 25 ; Lockhart Papers, ii. 161 ; Pamphlets, Ad. Lib., ccc. 3, 16.

retailed at twopence the pint ; and it seemed, though the article was descriptive merely of a special class of ale, as if it were a stipulation in the great treaty that it was never to cost more. It was a question whether the brewers would take this view, and reduce the quality of the ale, or retain its quality and raise its price. The lawyers believed that they could settle this question better than the purchasers and the brewers together ; and they laid down regulations so minute as even to prohibit customary gratuities given to the draymen on the occasion of laying in the periodical barrel of ale. The instigator of this interference was Duncan Forbes, a great and worthy moralist, but a very bad political economist. He was tempered in his hard straightforwardness by the more practised political penetration of Lord Ilay. The brewers met, after having laid up a considerable surplus stock of ale, and resolved simultaneously to abandon further brewing. "Compel them to go on," was the only answer Forbes could find to the question, What was to be done? In his eye, this combination, followed to its ultimate conclusion, involved the general dissolution of society. Not only would the people be rendered ungovernably discontented by sudden bereavement of their beer, but their very bread also would be sacrificed, since the bakers would lose the yeast necessary to leaven their dough. Having got the length of depriving the people of bread, it was not difficult to predicate other momentous consequences. Inquiries were actually made how far assistance in such a difficulty could be obtained from country brewers. It appeared that none of them would venture to approach the metropolis, and encounter the combined brewers of Edinburgh. Plans were spoken of for taking the assistance of Wade's army, and dragging beer from a distance by the dragoon horses. When brewers, commanded to proceed with their trade as usual, refused to do so, Forbes demanded that they should be committed on a charge of conspiracy. The brewers rejoiced to hear of this design ; it would make them martyrs in a great public cause, and entitle them to the grateful consideration of their countrymen. The contest was like that which, on a larger scale,

was carried on by the French Directory with the tradespeople, who were guillotined if they gave up a losing trade. At the instance of Lord Ilay, who feared the result of strong popular exasperation, the final ordeal of imprisonment was deferred. In the mean time, however, by his advice, the brewers were compelled to feel the gripe of the law by a heavy surcharge for omitting to find security for the duties on their stock in hand. The most remarkable part of the story is, that in the end the brewers yielded. The Court of Session and the Earl of Ilay constituted, in a town like the Edinburgh of that day, a combination so far too powerful to be fought by any combination of tradesmen, that a body of this class offending them, whether justly or unjustly, would be held guilty of an act of imprudence calculated to lose to them the countenance of all their sagacious fellow-citizens.

At this time, and through generations later, smuggling was a conspicuous national vice of Scotland. The facilities and temptations for it were great. The seaboard, full of intricacies, was larger than that of England. To make the suppression as effective as it was there, a service would be required as large and costly for one-tenth of the population as for the other nine-tenths. Recent events made the smuggler not only the "fair trader," but in some measure a champion of Scots nationality. All classes united in giving him support. He did not require to keep up a furtive system of signals worked by vigilant and laborious accomplices. Wherever he landed, if he evaded a revenue cruiser, he was sure of aid from the cottars, the farmers, and even the country gentlemen, whose servants and cattle were immediately pressed into the pleasing task of removing the run cargo. One class only of the community protested against this general practice—the burgesses of the trading towns.<sup>1</sup> But they did not obtain credit for disinterested virtue, as it was known that smuggling could be suppressed much more easily in the harbours of the

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<sup>1</sup> See a Letter from the Annual Committee of the Convention of Royal Burrows, &c., for preventing the pernicious practice of smuggling, 1736.



towns than in the creeks of the coast, and the smuggler was ruining the legitimate trade of the burgess.

These evils were early seen by the clergy. In 1719, the General Assembly passed an Act of earnest exhortation, "showing the sin and evil of running unentered goods, and of the perjuries in the custom-house in matters of trade." But it had no influence on the strong motives against which it declared war, and the practice went on deepening and spreading daily. The revenue officers, looked upon always as an English force, or what was worse, renegade Scotsmen in English pay, received little countenance from the local authorities. They were not aided in the enforcement of the law, and, on the other hand, if they happened in conflict with the smugglers to draw blood, they were rigorously pursued. The Crown could not afford them protection without incurring the charge of countenancing the oppression and slaughter of the people of Scotland; and the criminal records of many years are filled with perplexing prosecutions, which have less result in the establishment of guilt or innocence in the persons concerned, than in showing that there were two parties almost of a national character—the Government desiring to suppress the traffic, and the people of Scotland, from the considerable landed gentry downwards, trying to defeat the Government. Even the justices of peace, who were made on the English model to carry out the revenue system, were great patrons of the contrabandists.

The influence of this fiscal war was at length exhibited in a memorable tragedy, so well known through the genius of Scott to all the educated world, that only the necessity of preserving the continuity of events excuses a brief account of it here. The seaport towns dotting the coast of Fife were the abodes of bands of daring smugglers, the representatives of the race who, in the previous generation, had been buccaneers in the Indian Seas. One of these, named Wilson, exasperated by frequent seizures and penalties, laid a plan for retaliation by plundering the custom-house at Pittenweem of Government money, and it was boldly executed with the aid of a youth named Robertson. Both were caught, tried, and condemned to

death; and the Government being like themselves exasperated, their fate was pronounced inevitable.

They were placed in the tolbooth of Edinburgh, whence they attempted to escape. The method of their attempt reveals some of the secrets of the "Heart of Mid-Lothian." It stood on the street with no wall surrounding it, and dependent therefore on its own internal strength. Two horse-stealers in a floor above them conniving with the two smugglers, got steel saws and other instruments from accomplices below. They were drawn up by a string, and enabled the horse-stealers to cut the stanchions of their own cell. These men were secured by night in the following way: A great iron bar fifteen inches in circumference crossed the cell from wall to wall. It was a usual custom, in later times at least, for the prisoner to be fettered to such a bar by a ring which enabled him to move along its length. In this instance, however, the prisoners were linked to perpendicular bars, which supported the great bar in the centre of the room. The arrangement made a weak point in the complex mass of securities. The perpendicular bars passed through the floors and were tightened by fastenings in the cell below. The smugglers were able to knock these away, a hole was made in the floor, and the five prisoners became one party.<sup>1</sup> They cut the iron stanchions of the window. Whenever any noise, such as that of filing began, other prisoners, who were in league with them, began vehement and loud singing of psalms. One of the horse-stealers escaped; but Wilson, who attempted obstinately to follow, was so bulky a man that he stuck fast in the opening, and rendered discovery inevitable.

The fate of his companion lying far more heavily on his conscience than the robbery of the custom-house, when attending the condemned sermon according to wont in the Tolbooth Church, seizing his opportunity when the congregation were departing, he sprang on the keepers like a tiger, held two with his hands, and one with his

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<sup>1</sup> Caledonian Mercury, 12th April 1736, quoted in Wilson's *Memoirs of Edinburgh*, 194.

teeth, and called to his companion to run. Robertson struck the other keeper down, and mingling with the departing worshippers, who did not care to interrupt such a fugitive, escaped. Wilson's doom became, of course, doubly sure; but it was rumoured that the interest attached to his fate had determined his desperate companions to rescue him. His execution was fixed for the 14th of April 1736, and precautions were taken to secure the peace of the town, not only by the presence of the city-guard, or municipal gendarmerie, at the place of execution, but by the vicinity of a detachment of the Welsh Fusiliers. Though the mob was lowering and restless, the sentence was executed, and the body had hung some time. A tempestuous rush, arising no one knew how, then occurred in the crowd, who swept away the body from the executioner. Attempts were made to restore animation. The presence among them of a corpse bearing marks of violent death has, since the days of Julius Cæsar downwards, had ever a maddening effect on crowds. They began to grow furious and attack the guard.

It was said that Porteous, then commander of this force, had been irritated by various incidents; among others, by the presence, or rather vicinity, of a detachment of the line, which he counted an infringement on the privilege and dignity of his own civic body. The guards twice fired on the people. Several persons, chiefly belonging to the class of small tradesfolk, who were looking peaceably from their windows, and had no connection with the mob, were killed or wounded.<sup>1</sup> It is a disputed

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<sup>1</sup> "It was generally said that there was very little, if any, more violence than had usually happened on such occasions. Porteous, however, inflamed with wine and jealousy, thought proper to order his guard to fire, their muskets being loaded with slugs; and when the soldiers showed reluctance, I saw him turn to them with threatening gesture and an inflamed countenance. They obeyed, and fired; but wishing to do as little harm as possible, many of them elevated their pieces, the effect of which was that some people were wounded in the windows; and one unfortunate lad, whom we had displaced, was killed in the stair-window by a slug entering his head. His name was Henry Black, a journeyman tailor, whose bride was the daughter of the house we were in. She fainted away when he was brought into

matter if Porteous gave the order to fire. It was maintained that he not only did so, but carried it out by discharging his own piece, or seizing and firing a musket belonging to one of his men. The populace took the darkest view of the matter, calling up many old instances in which, as head of the police, he had been their enemy. It was necessary to bring him to trial for having, as a military commander, slain citizens without the authority of the civil magistrate. He was convicted and sentenced to death in the usual manner. A rumour ran, that the English Government would not permit a military man to be executed merely for shooting Scotsmen, especially in support of punishment for a daring attack on the revenue system, and it was believed that Porteous, like Bushell, would be pardoned. When a reprieve actually arrived, signed by the English secretary of state, it was not the less angrily received that it had been anticipated.

There were no symptoms of immediate violence. It was supposed that the public fervour had cooled down, for five months had elapsed since the tragedy, and two since the commencement of the trial,—when, on the night of the 7th of September, the Edinburgh mob suddenly rose, as if by inspiration or preorganisation, seized the ports, armed itself from the town guard-house after overpowering its inmates, and, demanding access to the tolbooth, began to attack the door. As on previous occasions, fire was found the available instrument. The door was burned, and the mob, obtaining the internal keys and opening the cells, released all the prisoners but Porteous, the object of their vengeance. There was no effective intervention. The magistrates, assembled in conviviality, made a nominal attempt to disperse the mob, but were glad to retreat un-

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the house speechless, where he only lived till nine or ten o'clock. We had seen many people, women and men, fall on the street, and at first thought it was only through fear, and by their crowding on one another to escape. But when the crowd dispersed, we saw them lying dead or wounded, and had no longer any doubt of what had happened. The numbers were said to be eight or nine killed, and double the number wounded; but this was never exactly known."—Autobiography of Dr Carlyle, 37.

harméd, and leave it to its work. The gentry, from their lofty "lands" in the Lawnmarket, could dimly make out, by the blazing bonfire, the formidable nature of the work going on below, but felt no call to interfere with it, and generally remained in their safe elevations. The Welsh Fusiliers, quartered in the Canongate, might, by breaking through the port, attack the mob, but no one would attempt to convey to them a written order from a magistrate, with authority to act. Mr Lindsay, the member for Edinburgh, found his way to their quarters with a verbal message; but the commanding officer declined to act on it, and said, indeed, that the honourable member came to him with strong indications of conviviality.

Meantime the mob dragged their victim, ceaselessly but feebly resisting, to the usual place of execution, where they found a dyer's pole well adapted to their deadly purpose. The deed was consummated with incidents of ferocity very odious, yet almost necessarily characteristic of gregarious penal inflictions. It was impossible to accomplish the drop, from a height sufficient, by dislocating the neck, at once to end sensation and suffering. While one end of the rope was tied round the neck of the victim kicking on the ground, the other, slung over the cross-beam of the pole, was dragged backwards and forwards by the crowd, so as alternately to dash him to the pavement and tilt him aloft again. Some, not of the most cruel, struck him with Lochaber axes to end his sufferings. When he was dead, the mob disappeared as rapidly and mysteriously as it had gathered.

The chief law-officers of the Crown—the lord advocate and solicitor-general—were both absent; and, somehow, the local magistrates seem to have been paralysed by the greatness of the outrage, and unable to see how they could begin to act. At length Duncan Forbes arrived from his retirement beyond Inverness, and began a rigid investigation. Its fruitlessness made the English statesmen suspicious that the spirit of discontent and national sympathy with the mob pervaded all ranks and classes of Scotsmen. But from notes of their labours still accessible, it is clear that Forbes and his assistants made exertions

for the discovery of the culprits ever increasing with the irritating experience of their inefficacy, and never abandoned until the exhausted lawyers had followed and lost every perceptible clue. The pursuit was naturally hottest after Wilson's colleague, Robertson, who figures in romance as an English aristocratic scapegrace, but was really a stabler or hostler in the Cowgate. It was naturally conjectured that, in the spirit of heroic vengeance, he had instigated the deed; but no trace could be found of his movements, nor was there any indication that he had been present at the murder. Dissipated citizens, whose minds were excited by the occasion, now and then uttered mysterious remarks over their toddy, which, circulating and reaching official quarters, procured for some of them the appalling distinction of an investigation which left them in doubt whether they were charged with murder or high treason. But whatever threads seemed to be thus afforded ever snapped suddenly, to the deep mortification of the investigators. One man only was distinctly noted by several people as having occupied a conspicuous position in the mob. Some citizen onlookers, unable to distinguish any other individual figure among the perpetrators, yet saw, somewhat to their astonishment, a footman of the Countess of Wemyss, conspicuous in his livery, and holding a Lochaber axe with much pomposity, as if he were assisting at some municipal pageant. However ludicrous as a consummation of their inquiries, it was deemed necessary—probably to show that investigations really had been made—to put this man on trial for murder. It was proved that, drinking with some companions, he had been found by the mob in a state of unconscious intoxication, and was invested with his warlike weapon in a manner unknown to himself, and explainable only as a wayward freak of the savage crowd.<sup>1</sup>

This tragedy produced a serious parliamentary dispute. Some general allusion to popular disturbances was made

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<sup>1</sup> The chief judicial proceedings relating to the Porteous Mob will be found in the seventeenth volume of the State Trials, and in a little volume of 'Criminal trials illustrative of the Heart of Mid-Lothian.'

in the royal speech at the opening of the session, and warmly seconded by the two Houses. The first substantial steps were taken by the House of Lords, in an inquiry, partaking of the nature of a criminal investigation, in which it was observable that Carteret, the great Opposition chief, threw himself headlong with the ministerial supporters into every movement offensive to Scotland. An early characteristic incident was taken up by the Scots as indicating the hostile design, not so much of the Government, as of the English legislative majority. It was deemed necessary to have the presence of the Scots judges to enlighten the House on the nature of the many legal proceedings connected with the outrage. The Duke of Argyle, and the other Scots peers, maintained that these Senators of the College of Justice should sit on the wool-sack like the English judges when their presence is desired; or that, at all events, if it were necessary to make a distinction, they should have seats at the table of the House. The proposal was resisted as contrary to precedent. It had naturally been found in all parliamentary proceedings, that the Scots legislators, when they took their seats at St Stephen's, left behind them all their own forms, and became subject to those of England. But at once conceding the necessity of this arrangement, they desired that their country might participate in the analogous English forms, and that the high officers who gave up the peculiar privileges enjoyed by them in the Scots Estates, should share in those of like dignity in England. But inexorable English precedent said, No, it could not be. None could sit with the Lords spiritual and temporal but the English judges. Those of Scotland must stand at the bar like other ordinary commoners; and it was deemed rather a scornful than an honourable concession that they were permitted to appear there in their robes. In that period, among the Scots people, such a discussion produced an extent of national irritation not easily appreciated in our less heraldic and less ceremonious age. But the more serious result of the investigation was a bill directed against the municipality of Edinburgh, and denunciatory both in its explanatory preamble and enacting clauses.

Its objects were the punishment of the chief magistrate, the exaction of a pecuniary penalty from the city, the removal of the Netherbow Port, and the abolition of the city-guard. The destruction of a gate was symbolic of the old feudal methods of punishing a rebellious city by levelling its external defences. But it was felt, that to remove from a turbulent city a police force without offering any substitute, was a proposal not emanating from conscientious legislative inquiry, but from reckless animosity.

Opposed by the Duke of Argyle and other Scots nobles, the bill passed from the Lords to a scene of fiercer debate in the Commons. There its character as an anti-national rather than an internally legislative measure, was more deeply stamped on it by its encountering the opposition of the Scots Crown lawyers. It was opposed by Duncan Forbes with calm and serious eloquence; but unofficial members were warm, if not fierce, and spoke of a new death-struggle against conquest as the natural end of the insulting measures to which Scotland had been long subjected. No one can read these debates without seeing reasons why the conduct of Scotland was so different from that of England in the insurrection which broke out eight years afterwards.

The Scots found, however, unexpected sympathy and assistance in English constitutional parties. Sir John Barnard, the great city statesman, who afterwards roused the constitutional spirit of the money lords when the Highlanders were marching to Derby, raised his voice against a measure which was dangerous to the influence and freedom of municipal corporations. Other popular members joined him; and it was an incentive to opposition in the Commons, that the Lords, in their inconsiderate and impassioned haste, had excited some of the jealousies of the Lower House. Walpole saw this balance of powers with satisfaction, for his well-poised mind was alarmed at being drifted by a parliamentary torrent into hostility with a division of the empire. At last he threw out indications that he would not regret to see the more flagrant clauses removed from the bill. The measure was fought step by step in committee; and, after many of its most offensive



denunciations were rejected or modified, it came back to the House so stripped of its hostile enginery, that its vehement friends could ill recognise it. Even in this condition it was nearly lost, for the reporting to the House was only carried by the chairman's casting vote—the division being 130 on either side. The majority for the third reading was 128 to 101. In its modified state, it merely disqualified the provost of Edinburgh from holding any office throughout the empire, and levied on the corporation a fine of £2000, for the benefit of the widow of Porteous.<sup>1</sup>

This measure was accompanied by another which seems to have called up no resistance, though certainly, had there been Presbyterian clergymen in Parliament, or any members representing the views of the more zealous Presbyterians, it would not have been permitted to pass in silence. It denounced the murderers of Porteous, offering rewards to informers, and levelling punishments against all abetting or harbouring the murderers, or concealing their knowledge of the crime. But what was of chief moment—for the parliamentary were as ineffective as the legal hostilities—it was enacted that every minister should, on the first Sunday of each month, for a year, read the Act from the pulpit during morning service.

Going back and picking up the threads of other affairs following in the suppression of the affair of 1715, we find among the precautions of the Government, an Act for disarming the Highlanders. It applied generally to the counties north of the Forth, and the mountain districts of the west. The method of the Act was to denounce heavy punishments on armed Highlanders. But there was no specific arrangement for disarming them, and the natural result was to make the Highlanders cautious, so as not to be caught in small armed bodies near the garrisons or the Lowland frontier. General Wade, in a report to the Government, asserted that this Act, was entirely evaded. As it provided compensation to the well-affected on resign-

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<sup>1</sup> See the proceedings on this matter in the *Parliamentary History* x. 137-319.

ing their arms, he said the public money was given profusely for old useless weapons, while the effective arms were kept out of sight. He even asserted that a quantity of obsolete weapons was imported from Holland, as a good speculation, to draw the Government bounty ; while the Spanish who landed at Glenshiel left so many effective weapons behind them, that the Highlanders were better armed than ever. The Act made provision for the cessation of the military feudal services, but in an equally ineffective manner, as if those who prepared the measure did not desire to see it practically in force.

By an Act of 1725, a more direct method of disarming was adopted, in the summoning of each clan to appear at a certain place and resign their arms. The superintendence of this operation, along with other duties of a more important character, was committed to General Wade, who, in a survey of the Highlands, had made the suggestions on which the Government proposed to act. When he reported on the success of his mission, he said that he was met in the utmost cordiality, with immediate offers of a complete and hearty surrender by the clans. The MacKenzies were the first to come forward, offering to resign their arms at Brahan Castle, and stipulating, with curious pride, that they should yield them up to regular troops, and that no parties from the loyal clans should be present. From this clan alone nearly 800 sets of arms were received. Their example was rapidly followed by the northern and western clans, who were each, in groups, required to bring their weapons to some central spot ; and ere the advance of autumn required that Wade should withdraw his forces into winter quarters, he believed that the formidable mountaineers were entirely divested of their weapons, and had made up their minds heartily to adopt the ways of peaceful men.<sup>1</sup> It would be difficult, indeed, for language to provide more contrite admissions of past error, and ample professions of future rectitude, than those scattered at the feet of the English general by

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<sup>1</sup> See Marshal Wade's Report, in the Appendix to Burt's Letters ; the Gordon Letters ; Miscellany of the Spalding Club, iii. 228.

the most zealous of the Jacobite leaders ; and he seems, though an excellent engineer officer, to have known so little of the nature of the people as to believe in their sincerity. He assured the sovereign, that the once formidable Highlander was now a simple peasant, with his staff in his hand ; and readily warranted the country, if his precautionary system of roads and fortresses were carried out, against any farther Highland insurrection. Yet the contemporary correspondence of the Jacobites indicates, what subsequent events confirmed, that the Highlanders, with the inscrutable diplomatic cunning peculiar to their race, had overreached the military negotiator, and committed a quantity of effective arms to places of concealment.<sup>1</sup>

Though Wade, in his reports, exulted as one who had not only removed all the means of insurrection, but eradicated the very spirit of insubordination, he yet was cautious enough to recommend more solid securities for the peace of the Highlands, drawn from his professional resources. Following his suggestions, an armed galley was set afloat on Loch Ness. Two considerable forts were built—one at Inverness, afterwards superseded by Fort George, the other at the western extremity of the loch, which still stands as Fort Augustus ; while square towers, like the old fortified houses of the Scots gentry, were dotted here and there among the remote glens, in which small guards were placed. In Ireland one is practically reminded of the arrangement by seeing the barracks of the police force.

But the service to which the name of Wade became chiefly attached in subsequent times, is the system of roads carried through the Highlands. To have some conception of the change created by these great works, it is necessary to realise the previous facilities for transit in the Highlands. The old mountain-track, as specimens of it still exist, is found by the traveller so slightly distinguished from the natural surface of the hill, that he cannot easily believe himself treading the path that had

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<sup>1</sup> See Lockhart Papers, ii. 154, 192 ; and the Stewart Papers.  
VOL. VIII.

been a great thoroughfare for centuries, and is still used by the country people in passing from one strath to another. The vegetation on it is stunted ; the stones are whiter than elsewhere ; in the black mossy clay between them may be found the impress of the feet of cattle,—these are all signs so faint that the apprehensive traveller feels incapable of so absolutely ascertaining their absence or presence as to be sure that he is preserving the road ; but if he look beyond the traces immediately beneath his eye, he will find that the path has a general distinctness in the expanding features of the scenery, and its direction may be caught in the distance through the dark heather, where the greater amount of bare stones imparts to it a whiteness, faint but distinct, like the milky way in the sky. The rapid ascents and descents, the broken staggered ground,—above all, the occasional abrupt slant of the road as it winds round in the slope of some declivity, make the conducting of droves of cattle along it—its chief use in later times—appear to the uninitiated a feat of campaigning enterprise second only to that of taking cavalry across some great mountain-range. Burt—the clever engineer officer who assisted in the construction of Wade's roads, and gave a lively account of his experience of the Highlands—crossing such a track, described it as consisting “ of stony moors, almost impracticable for a horse with his rider, and likewise of rocky way, where we were obliged to dismount and sometimes climb, and otherwhile slide down.” “ But what vexed me most of all,” continues the engineer, the pride of his profession rising in revolt within him, “ they called it a road.”<sup>1</sup> There were, of course, no bridges, and the traveller was subjected to the capricious fluctuations of mountain streams, which, swollen from the tiny brook of the day before into the roaring river, might compel him to retrace his weary steps when he believed his journey to be nearly accomplished, or tempt him to retain the advantages of his previous exertions by risking his life in an effort to cross the stream. As these roads were not only the pathways

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<sup>1</sup> Letters from the North of Scotland, ii. 214, 215.

between contiguous glens, but the highways connecting the great district of the Highlands with the rest of the realm, sudden floods rendering the main streams impassable, frequently isolated large territories from the rest of the world. Not only in the Spey or the Tay, on which there were then no bridges, but in streams far smaller, the swelling would be so sudden from the bursting of mountain springs, that instances have been known where the inexperienced traveller entering the ford, a shallow stream clattering on its pebbles where his dog might walk behind him, had to contend with a furious torrent ere he reached the opposite bank.<sup>1</sup>

The sagacious officer of engineers, whose experience of the pristine state of transit has been just referred to, naturally looked along the track of his completed labours with complacent admiration. "The roads on these moors," he said, "are now as smooth as Constitution Hill; and I have galloped on some of them for miles together in great tranquillity, which was heightened by reflection on my former fatigue."<sup>2</sup>

But the natives exhibited the proverbial thanklessness of primitive races receiving gifts from civilisation unsuited to their usages. They still crossed the old tracks, or preferred straying on the surface of the mountain, to employing the hard, gravelled English roads. Their obdurate, unvaried surface might suit the English clown, with his heavy, iron-clenched shoes; they were a suitable surface to be powdered by the heavy waggon, dragged grinding along by sleek, iron-shod horses: but the Highlanders were either barefooted, or wore thin brogues of untanned skin, which the gravel pierced or frayed; their small horses were unshod,—indeed, having to seek their food, like goats, among rocks and bogs, shoes would have been an unsafe impediment to their free motions. Then the old paths on the bare mountain-sides, if they had their hardships and dangers, had their amenities. Though the cattle required to keep the trodden centre, there was, to the pedestrian, mile after mile of elastic heather or dry

<sup>1</sup> See Burt's Letters, i. 306, 329.

<sup>2</sup> Ibid., ii. 193.

velvet turf; and even the dangers and casualties of the passage presented that excitement and variety of incident, that contrast of ease with vigorous exertion, which could not be compensated to the mountaineer by the uniform drudgery of the dusty road.

To the chiefs and lairds, who saw farther into the objects and probable effects of these operations, they were fraught with a deeper source of anxiety and apprehension. They had already seen an armed galley, capable of conveying fifty or sixty soldiers besides the crew, built and launched on Loch Ness. Some of the stations, occupied by small military parties, became forts bristling with cannon. Such strongholds, stationed here and there, with broad roads between them, on which the heavy artillery of modern warfare might be dragged with ease, seemed destined at once to paralyse the armed power of the Highlands. They were, indeed, truly military roads—laid down by a practical soldier, and destined for warlike purposes—with scarcely any view towards the ends for which free and peaceful citizens open up a system of internal transit. Hence, though they made an easy communication between the central government and the main districts of the Highlands, they served commercial and agricultural purposes but scantily, and were of little use for the conveyance of grain or merchandise, for access to the fisheries, or for the increase of enterprise in the towns. The general direction of Wade's roads, as completed in ten years, may be thus described: First, as most important, is the line by Dunkeld, Blair Athol, and the wilds of Drumouchter, to Inverness, long known as "The great Highland Road," and now accompanied by the Highland Railway. A subsidiary line, passing from Stirling through Crieff, enters the narrow valley, walled by rough precipices, called Glen Almond, familiar to the readers of Wordsworth as the "still place remote from men." Thence the branch sweeps past Loch Tay, and joins the great Highland road at Dalnacardoch. Another road traversed the island from shore to shore, through the succession of valleys in which the Caledonian Canal was subsequently cut, thus connecting the capital of the High-

lands with the two strongholds, Fort Augustus and Fort William. To open the communication more directly between Fort Augustus and the south, a branch, striking off from the great Highland road where it turned eastward, crossed, towards the north-west, the great dreary hill of Corryarick. This, the most truly Alpine road in the British dominions, has been left to decay, and large portions of it have been swept away by torrents, so that the zigzag lines by which the military engineer endeavoured to render the steep side of an abrupt mountain accessible to artillery, have been tumbled into heaps of rubbish like natural scaurs.

These appear to have been the only roads projected and executed by General Wade.<sup>1</sup> Subsequently, the system was enlarged by branches passing by Loch Lomond, where the wild MacGregors thronged, and by Callander, to the main Highland road already mentioned; and other roads were added in the districts to the north-west of Inverness and the great chain of lakes between the east and the west coasts.

From these works of the Government upon the Highlands, let us turn to some dealings with the people who lived there; there is the connection between the two, that both were military affairs. The well-known boast of Chatham, has led to the supposition that he was the first to acknowledge the valuable fund of military material lying useless or mischievous in the restrained warlike spirit of the Highlanders. The idea of making trained soldiers of them, retaining so much as could be retained of their peculiar organisation and method of fighting, had been suggested and partially adopted at a period much earlier. To the arming and embodying of Highlanders, the prevailing objection was, that of the chiefs who would have the command of them, the greater part were Jacobites. There was the alternative of English or Lowland officers, but this would have lost the organisation that made the Highlander a warrior. There was the other, to put the men of the Jacobite clans under the command of officers from

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<sup>1</sup> Burt's Letters, ii. 185.

the loyal clans ; but this would have been to expect that men whose chief virtue was fidelity to their own clan, should transfer that fidelity to the old enemies of their race, and the heirs of their deadly enmity. Among all these difficulties there was an uneasy mixed arrangement. The regiments finally embodied were put under the command of Lowland gentlemen, or of persons who, though connected with the Highlands, were Court noblemen, who had little practical concern with the district whence they took their territorial honours. The subordinate officers only were Highlanders with a true local connection, and that was with the well-affected clans.

The appropriate service for such a force was in foreign wars, where both officers and men would be at a distance from political influences. This was seen by Duncan Forbes, who said : "Send them abroad to fight our battles, which they will do with heart and zeal. They will not only be the sworn allies of Government themselves, but hostages for their relations at home, and it will be impossible to raise another rebellion in the Highlands."<sup>1</sup> But such an arrangement was, as we shall see, met by difficulties, and overcoming these was the great service afterwards effected by Chatham.

There had existed so early as King William's reign a few independent companies, manned from separate clans, commanded by the chiefs, and officered from the most important of the military aristocracy of each clan. Their chief employment was the suppression of armed vagrancy by broken men, or Highlanders who owned no chief,—a class who had been enlarged by the casualties in which so many of the higher families had been involved from the Revolution downwards. The irregular operations of these marauders were often inconsistent with the more systematic policy of the chiefs, whose interest it generally was to tolerate none who did not own the legitimate patriarchal authority. Accordingly, these independent companies sometimes appeared to be very effective in keeping order in the Highlands ; and that they favoured the pro-

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<sup>1</sup> Home's History of the Rebellion, chap. i.



jects of their own leaders, and kept a deep policy of their own behind these ostensible movements, was not easily seen by a country grateful for their immediate services. They were looked on more as a protective police than a military force. They were dressed in the Highland costume ; and the dusky colour of their tartan, contrasted with the bright scarlet of the royal troops, brought them the name of the "Black Watch," continued in the regiment formed when they were broken up.

That this institution was extremely perilous we may believe, from the mere fact that Lord Lovat was one of the captains or colonels, and thus had the opportunity of training and embodying his men at the expense of the Government. His furious outbursts of wrath, when his company was abolished, attest the importance which he attributed to its possession. About the time when Forbes made his suggestion for foreign service, the Government were becoming conscious of the formidable snake they were warming. The companies were dissolved ; but a regiment was embodied from their elements, then called the Forty-third, but more lately known to fame as the Forty-second. Into it were drafted such officers from the independent companies as could be trusted, and were inclined to serve under the new conditions incident to a change from a local force to the line.

It is not known whether it was the deliberate intention of the Government to embody this regiment for foreign service. It is certain, however, that the men who joined it were kept ignorant of the obligation incident to the soldier of the line to follow the British flag wherever it is carried. They complained of broken faith, and founded their objections to foreign service on reasons not unheroic. They counted themselves as gentlemen, and it was usual for them each to be attended by a gillie from the humbler commoners of the clan. They were poor gentlemen, it was admitted ; but in their veins flowed the blood of a line of ancestry, to whose antiquity that of the proudest houses in England was but as yesterday. In their own country their claims would be admitted ; elsewhere, they would be esteemed on a level with the

wretched refuse of that Saxon land of pedlars, whose people, from the highest to the humblest, they despised.

The regiment was embodied in great pomp, near Aberfeldy, in the month of May 1740. It had scarcely existed three years, when the suspicions of the men were roused by receiving a route for England. It is said that these suspicions were appeased by the flattering intimation that they were an object of curiosity to the king, who desired to see them in review. They were reviewed on Finchley Common, but there was no king present, for George II. had just departed to Hanover to conduct the campaign signalised by the battle of Dettingen. Instead of enjoying the attention of royalty, they were subject to notice of a very different kind. Proud as Spanish hidalgos, they found that the rabble of London treated them as common soldiers of a superbly ludicrous character, and their haughty spirits were daily chafed by the sarcasms and practical jokes to which their costume was so very apt to expose them, at a time when it was little known in England, and associated rather with hostility than with heroic alliance in the great contests of the country. At length the irritation of their proud spirits, from the scoffs of the Londoners working on their suspicions, roused them to a desperate remedy, and they secretly planned a flight.

One morning in the middle of May, all London was astonished by hearing that the greater part of the rank and file of the Celtic regiment, from which the citizens were deriving so much amusement, had mysteriously disappeared. An event so new and strange drove all the military authorities into nervous activity. The metropolis was for two days amused with contradictory and grotesque rumours about the phenomenon, ere the fugitives were tracked beyond Northampton. They had adapted their peculiar tactics of silent, secret marching, and used their capacity for enduring hardship in richly cultivated central England, for they had passed on, avoiding roads and populous places, from one waste to another, the objects of inconceivable astonishment to the few rustics who encountered them. At length this semi-

ludicrous escapade must have its tragical conclusion. The inexorable laws of military discipline cannot leave bold and systematic mutiny without a bloody mark. Posting themselves at Ladywood, near Oundle, they made answer to Captain Ball, who approached to remonstrate with them, that they would only surrender on a free pardon, and the retention of their arms. Such a treaty was out of the question ; and the poor Highlanders found that the established military system of the country was too strong to let them, all unofficered as they were, have even the chance of success which their small number would possess in ordinary circumstances. Gradually they were induced to surrender. Three only, two non-commissioned officers and a private, suffered death. Many of those most seriously implicated were sent to the West Indies. The rest were removed to the war in Flanders, where they took the first step in the long career of distinction which their corps has since followed.<sup>1</sup>

The projects for arming the Highlanders either directly under Government authority, or under Government auspices, were connected with the persistent propensity of the Highlanders to live rather on the industry of their neighbours than on their own. But Lowland pastures, which had long been the main hunting-field in which they found their food, were becoming every day more closely kept against them. Some of the gentry on the Highland border were themselves inimical to marauding. They were indeed becoming occasionally victims to the marauders of the interior Highlands, who, when afraid to descend on the richer field below, would be constrained to remove the scanty supply of cattle belonging to their Highland neighbours. Graham of Glengyle, the nephew of Rob Roy, made an extensive contract for the protection of the lands near the MacGregor country ; and appears, in consideration of the black-mail paid to him, to

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<sup>1</sup> For this military episode at length see 'Sketches of the Characters, Manners, and present State of the Highlands of Scotland, with Details of the Military Service of the Highland Regiments,' by Colonel David Stewart, i. 246, *et seq.*

have pretty effectively performed some of the functions of a superintendent of rural police.

In the north, MacPherson of Cluny established a "watch" on more honourable principles, not speculating on the adventure, but merely requiring from the gentlemen of the district the contributions necessary to pay the expense of the undertaking.<sup>1</sup> When the cattle-stealers were liable, as they had been after the Revolution, to be pursued into their fastnesses, they had established among themselves a system of interchange between the extremities of their wide region, which rendered it impossible to convict the depredators unless there were a hot pursuit. Thus, the produce of an effective raid on the southern counties was exchanged in the far centre of the Highlands with the plunder taken from the north-eastern districts of Aberdeen or Moray. These "watches," so long as they lasted, seem to have been more effective in restraining plunder than the independent companies. If we can trust the reports of the services of Cluny's watch, it was telling on the marauders by starvation, so that even when they accomplished a descent on the Lowlands, they found it impossible to recross the Highland line with their prey.

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<sup>1</sup> A Brief Account of the Watch undertaken by Cluny MacPherson, 1744.—Spalding Club, ii. 85.

## CHAPTER XCI.

## RELIGION FROM THE '15 TO THE '45.

**THE ESTABLISHMENT—PROSPERING INFLUENCES OF THE HANOVER SUCCESSION—THE COVENANTING PARTY—COMMON CAUSE OF THE MODERATE PARTY WITH THE GENTRY—DEPUTATION TO LONDON—PATRONAGE—THE GENERAL ASSEMBLY AT FEUD WITH THE LOCAL COURTS—RIGID DISCIPLINE—ITS POPULARITY WITH THE MORE ZEALOUS LAYMEN—JUSTIFICATION AS A SUCCESSOR TO ABSOLUTION—DANGEROUS HYPOCRITES—STORY OF LADY GRANGE AND HER HUSBAND—GRANGE'S PROJECTS ABOUT HIS SISTER-IN-LAW THE COUNTESS OF MAR—THE MARROW CONTROVERSY—EBENEZER ERSKINE—HISTORY OF THE SECESSION—WHITFIELD AND "THE CAMBUSLANG WARK"—BURGHES AND ANTI-BURGHES—THE PRESBYTERIAN WORSHIP—THE PARAPHRASES—THE GLASSITES—THE EPISCOPALIANS—THE COLLEGE PARTY AND THE USAGERS—THE ROMAN CATHOLICS.**

THROUGHOUT the period of thirty years between the two insurrections, ecclesiastical affairs are again the chief material of history. We have seen the departure of the small group of Cameronians, unable to abide in union with lukewarm men who tolerated error. Their sojourn in the Establishment was so short and stormy that they cannot well be spoken of as having ever belonged to that body. They entered it, indeed, for the purpose of subduing all its other members to their own purpose; and finding this to be impracticable, they shook the dust from their feet and departed.

In their retreat they left in the Establishment a strong body of sympathisers. The difference between those who went and their friends who remained, may be stated thus, that while both parties were at heart Covenanters, the Came-

ronians could partake in no Church organisation that did not carry the Covenant in triumph over the three kingdoms, while those who remained at their post were content to be Covenanters themselves, and to require all Scotland to conform to their Covenanting rule. It will save repetition in descriptions and definitions to remember that they adhered to the traditions that had been planted by the Melvilles, and after facing adverse tempests had flourished in the glories recorded by Baillie. We shall see how it was that beside them, and, as it were, out of the very same theological growth, there should arise the party afterwards stigmatised as Moderate—men of scholarship, ambitious of intellectual fame and social distinction, the school of Robertson, John Home, Blair, and Fergusson. Let two men who earnestly worked in the same department of literature stand as types of the contrast. The one is the author of the *Sufferings of the Church of Scotland*, already so amply cited—the other, the author of the *History of the Reign of Charles V.*

The abundant literature bequeathed to us by Wodrow, and especially his private note-book, reveal to us many secrets—among others that he was superstitious, and one of a superstitious body. They were, otherwise expressed, a body who believed that in their own day the fixed course of nature was liable to disturbance from supernatural agencies beneficent and maleficent. When a clergy are superstitious, it follows that the tenor of the miraculous events passing before them, and in some measure under their own management, is to further their claims on the respect and submission of the rest of mankind. Hence a favourite maxim or precept with them was, "Touch not mine anointed, and do my prophets no harm." We have already seen so much of this as to preclude any but a brief reference to it here. It was a superstition that had, as it were, an uneasy and precarious life. It showed nothing to be measured with the audacious scenes at the tomb of the Abbé Paris in the Saint Medard, when the miraculous apparatus called into existence by even the moderate party of the Gallican Church cast so portentous a scandal on religion in France. We can see, for instance,

that the Covenanting party in Scotland believed in the contemporary power of prophecy, yet felt it wise not to draw upon it profusely or conspicuously in an age given to inquiry and experiment. There was uneasiness about the question how far the gift of working miracles existed among them, but no doubt that miracles had been frequently performed for the benefit of supremely holy men of their own communion and class.<sup>1</sup> Such supersti-

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<sup>1</sup> The interesting and curious phenomenon of the supernatural period, ramifying, as it were, into the subsequent age of serenity and indifference, is seen in the writings of Wodrow, and especially in that confidential note-book which is the repository of his secret and fugitive thoughts. His significant marvels are sometimes legends of the days of persecution, and occasionally relate to his own friends and contemporaries of the more gifted and illustrious among the clergy, tending to show that, if miraculous powers had decayed, they were not utterly departed, but lingered still with the chosen remnant. But perhaps the most interesting and curious feature of these transition elements, is the dubious and suggestive form of the narrative. The well-respected minister of Eastwood,—who professed to know chemistry and mineralogy—who was collecting records, and writing an authentic history—and who, as a leader in the Church courts, was consulted occasionally on ecclesiastical matters by my Lord Ilay or his majesty's advocate,—felt that it would be rather anomalous to profess a frank belief, even in his own self-communings, in contemporary miracles. His tremulous dubiety is indeed indicative of the fading away, in the new generation, of the bold supernatural traditions which he inherited from the old. He tells the tale as it was told to him; he knows not what to make of it, but it was given by people of high trust and sagacity. Sometimes he says it makes a near approach to a miracle. It is plain that, however unwilling he be to make the confession, it is in his eyes an actual miracle, in which he has entire faith. Nor are the characteristics of the Bollandist miracles wanting to those of honest Wodrow—they all tend to the glory and aggrandisement of his order. Thus, some profane wretch sneers at a clergyman. The holy man turns round and pronounces a denunciation; and what it may express the narrator knows not, but the wretch's tongue swelled that night, and he died in agony. Lest the significance of such narrations should fail to be perceptible, the zealous narrator often shows with entire transparency what was passing in his mind, by appending the moral—"Touch not mine anointed, and do my prophets no harm." The following instance relates to the Rev. Robert Blair. Wodrow's informant "had the satisfaction to see him, when on his deathbed, perform what was very near a miracle." No one can doubt that, if it was performed, it was entirely a miracle. He had an only daughter, "both decrepit and under the king's evil, which had taken some of her joints." This had been concealed from

tion as existed in Wodrow's generation gradually died out, leaving religious zeal behind. This, too, modified itself by degrees ; but there still remained a Covenanting party opposed to the worldly or moderate. When their quarrels

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the father, but he insisted on seeing her ; " and after some excuses she was brought, and he laid his one hand upon one part of her sore, and lift up his other and his eyes to heaven, and said, ' My God shall heal my child ! ' And after that, though she was before given over by physicians, she grew perfectly whole."—*Analecta*, i. 84.

Mr Harry Erskine, minister of Chirnside, who numbered among his parishioners the family of which David Hume was a member, had in the evil days exhausted his whole stock of meal, resolving " to depend on Providence till to-morrow, for he was assured they should never want ; " " and to-morrow morning there was a person coming along the highroad with a load of meal, and he and his wife were looking out at a window. He said he believed that was coming to them, which she did not believe till the person came and knocked at the door, and told him he was sent to them with it."—*Ibid.*, i. 89. On another occasion, the same clergyman, when on a voyage, had no better provision than twopence, and a crown which was refused as base. The vessel sailed past a town in which he had formerly officiated, and had left it in the distance out of sight. " All the time he was wishing and praying to be set in there ; and after they were sailed out of sight of it, there came a violent gust of wind which drove them just in to it, and they were obliged to stay there a considerable time, that wind still continuing ; in which time he preached there, week-day and Sabbath, till he got twenty pound sterling, and came away with them to Leith, where he told the skipper the story ; who said he wished he had given him his freight and fifty pound before he had staid so long there." " So that," concludes the narrator, " the Lord will even work a miracle almost before He suffer any that truly depend upon his providence to want."—*Ibid.*, 89.

Mr Shields, the celebrated author of the 'Hind let Loose,' friendless and destitute, received a visit from a stranger, who offered him money. He demanded an explanation. " At length, with much difficulty, the merchant told him that that morning, after prayer, it was borne in upon him that one Mr Shields, a Scotsman, was in great straits, and that he was lodged in such a house in that town ; and that he was not at all obliged to him for the money, for he never heard of him before from any body, nor saw him, and told him he was to take it from a higher hand."—*Ibid.*, 221, 222.

Such interventions were not always so purely benevolent. The Rev. Mr Hogg was a sojourner in a house in Old Earn, in Aberdeenshire, where there resided, along with the pious owner, a factor, " who was very malignantly set, and a great scoffer." The servant having forgot to furnish Mr Hogg with a knife, he produced one from his pocket, observing " that it was a necessary companion for a



were pushed to extreme conclusions, it was the fulfilment of an absolute law of political dynamics, that the zealous party should swarm off, leaving the others in possession.

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traveller ;” “and as his use was upon everything, he took occasion to raise a spiritual discourse from it,—‘If we were so careful about accommodations in our way here, what care should we take in our spiritual journey?’” This was but the commencement of a series of improvings of the incidents of the table which excited the ridicule of the malignant factor. His mirth was not quelled by the indignant frowns of the expounder, who at last stopped and sternly addressed him thus : “Alas ! my soul is afflicted to say what I must say to you, sir, and I am constrained and pressed in spirit to say it, and cannot help it. Sir, you now despise the grace of God, and mock at it ; but I tell you in the name of the Lord, that the time is coming, and that very shortly, when you shall seek an offer of grace, but shall not find it.” The factor completed the measure of his iniquity by telling the household “that the fanatic minister had been pronouncing a curse on him, but he did not value him, nor it either.” Mr Hogg had retired and finished his devotions, when, “just as he was stepping into his bed, a servant comes and knocks at the door, and cries, ‘For the Lord’s sake, Mr Hogg, come down-stairs presently to the factor’s room !’ He put on his clothes as quickly as possible, and came down, but the wretch was dead before he reached him.”—*Ibid.*, 266.

The next instance refers to a deed of violence which was well known in its day, though Wodrow’s prophetic antecedent is not mentioned by its other narrators. In the days of persecution, Douglas, a Covenanting clergyman, preached in the church of Hilton : “In the time of sermon, the Laird of Hilton comes in and charges him in the midst of his work to come out of the pulpit in the king’s name. Mr Douglas refused, whereupon the laird comes to the pulpit and pulls him out by force ! When he saw he behoved to yield, he said, ‘Hilton, for this injury you have done to the servant of God, know what you are to meet with ! In a little time you shall be brought into this church like a sticked sow.’ And in some little time after, Hilton was run through the body, and died by, if I mistake not, Annandale’s brother, either in a duel or a drunken tuilzie, and his corpse were brought in all bleeding into that church. ‘Touch not mine anointed, and do my prophets no harm.’”—*Ibid.*, ii. 154.

In the next page is an anecdote of Andrew Cant preaching at the market-cross of Aberdeen, where, being a malignant place, a boy threw a dead crow at him. “He stopped a little, and said, ‘I know not who this is who hath done this open affront—but be what they will, I am much mistaken if there be not as many gazing on him at his death as there are here this day,’—which fell out in some years. The man was taken up for robbing or some crime, and execute in the Grass-Market at Edinburgh with abundance of onlookers. ‘He that despiseth you despiseth Me.’”—*Ibid.*, 155.

What rendered this inevitable was that the Covenanting party demanded that they should be above the civil power. The other party stood by the civil power, and the civil power stood by them.

The political conditions, indeed, surrounding the infancy of the Hanover dynasty, were well suited to rear within the Establishment a pacific clergy. If the Jacobite gentry of a parish desired to fill its pulpit with one like-minded to themselves, they sought what was not to be found. Where estates had been forfeited for rebellion, it generally happened that any ecclesiastical patronage attached to them passed from the most dangerous of the Jacobites into the hands of the Government or its supporters. To have superseded the power of such patrons by a free election or veto, would have been to throw it into the hands of the enemy, since the bulk of the parishioners generally followed the Jacobite politics of the forfeited house. But there was at hand another method of collecting popular suffrages more ductile than election or veto, and better suited to such occasions. The Call to the pastoral charge by the flock—by the heads of houses in communion with the Church—was still in practice as a relic of the “advocation” attributed to the primitive Church. When the patron, the parishioners, and the presentee were all in the Government interest, it became really the “harmonious call” it was in courtesy called even when it stirred up strife and malignity. When the Jacobite patron had forfeited his rights, but his opinions lingered among the people, the apparatus of the call was so adjusted, that the patron and the Presbytery acting in harmony were able to plant a mission in the heart of a hostile community. The Presbyterian clergy were thus the friends and allies of the Government, while the Episcopal clergy were not only its avowed enemies, but went through the country as skulking criminals, at the mercy of every rigid or malicious informer. The Established ministers were officially consulted about the state of the country, and we find Presbyteries sending up to the law-officers of the Crown instructions about the safe distribution of Government appointments, and lists of the persons

whom it may be expedient to select as justices of peace in their districts.<sup>1</sup> Men thus encouraged by the State, and its most powerful friends, became genially conscious of importance, and averse to faction and strife. Those among the Episcopalian gentry who desired to support the Government grew more and more reconciled to see Presbyterians of this class become the successors of their departed Episcopal pastors, and were gradually absorbed into the Presbyterian Establishment. Hence the Church of Scotland was becoming daily more important as an ally of the Hanover Government, and a friend of the landed gentry.

It was still a matter of form for the General Assembly to pass a resolution for the redress of certain "grievances," but it had not the thundering emphasis of such work in the days of Melville or of Baillie. In the year 1717 an actual deputation attended at Court to represent these grievances.<sup>2</sup> Patronage was one of them—and as the deputation showed that it enabled the Jacobites sometimes to be mischievous, a remedy against that abuse was speedily granted. But far more urgently than any question about patronage, the deputation demanded the restoration of those laws for enforcing the judgments of the ecclesiastical courts by the civil power, which had been

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<sup>1</sup> Wodrow's Correspondence, ii. 124.

<sup>2</sup> Diary of the Reverend William Mitchell, printed in the Spalding Miscellany, i. 227 *et seq.* The first sentence is—"Mr William Hamilton and I, being sent by the Commission to endeavour redress of the grievances of the Church, came to London on the 9th February 1717." They had an audience of the king, and presented their memorial. Mr Mitchell says: "February 21st.—We were introduced to the king, in his closet, by Roxburgh, and Mr Hamilton read the following speech to him in English,—Roxburgh having told us that he understood English, and that it was not fit the custom of speaking in French should be kept up." The reader will remember how often the assertion of Archdeacon Coxe has been repeated, that Walpole and George I. spoke to each other in bad Latin, because the king could not speak English, and the minister was ignorant of French. The deputation had an interview with the Prince and Princess of Wales. The princess said—"Gentlemen, I am sorry your Church has grievances; I hope they do not hurt you very much: but I beg pardon, I should have said your *Kirk*."

so adroitly cast out of the statute-book in the adjustment of the Revolution Settlement. But the statesmen repelled the proposal with a brief emphasis, importing that they could not patiently hear it discussed, and candidly gave no hope of any such retreat into the old dominant principles of the Covenant. Another proposal could not be expected to meet a better reception on English ground—a repeal or restriction of the toleration to Episcopalians. Still the deputation had some reasonable practical ground to fall back upon even in this matter. Scots Presbyterians could not hold office in England without qualifying themselves through the Church of England—it seemed but fair that, until this was repealed, Scotland should have a retaliatory law, were it but in mere acknowledgment of the local supremacy of the Scots Establishment.

The deputation obtained an alteration in the form of the oath of abjuration. When they, who were bound to hold by Presbyterianism as the true government of the Church, complained of the “logical lie” that required membership of the Church of England as essential to their sovereign, this put a case intelligible to statesmen. If not in itself important in their eyes, it became important if it disturbed a powerful body of men, and the remedy was not difficult. The new form was a simple declaration of allegiance to the Hanover settlement, and a renunciation or abjuration of the title of the exiled house; but it contained none of the inconsistencies by which the ecclesiastical logicians had been distressed. The concession was not large; but it was a concession to men desiring to feel satisfied, and fostered content. In the Act revising the oath a remedy was provided for the mischievous use of patronage, as a casual matter, touching, like the objects of the oath, on the loyalty of the clergy. By the *jus devolutum*, if a vacancy in a parochial charge existed for six months with no presentation, the patron lost his right to present, and his power devolved on the Presbytery. Out of this some of the Jacobite patrons invented a method of teasing the Church. On occasion of a vacancy there would be a succession of presentations all following each other at intervals less than six months, and all to persons

who were disqualified, or who certainly would not accept of the offer made to them. Sometimes these presentations were given in a sarcastic spirit to highly orthodox persons, who were already invested with more important and more remunerative charges, which they were certain not to feel a call for abandoning; thus the charges so treated were kept vacant for a time indefinite, this being the object of the Jacobite patrons. The parliamentary remedy was simply a provision that the *jus devolutum* fell to the Presbytery, unless the patron presented a person who was qualified, and who accepted the presentation. This put the matter virtually into the hands of the Church. If she were, throughout, so zealous against patronage as to infuse through her members the creed that the unconditional acceptance of a presentation was a desertion of their duty and a betrayal of their principles, the reward was immediately gained by the Church, which took the presentation into her own hands, and disposed of it as seemed fitting.

This opportunity was so far seen and used that, in places where the majorities in the local Church courts were inimical to patronage, they made it an ecclesiastical offence to accept of an unconditional presentation; and it came to be a well-understood practice in these districts, that presentees accepted only on some suitable condition, such as the concurrence of the congregation. One who afterwards lifted his testimony against the Church asserted in reference to this opportunity for neutralising patronage that "there was no man that presumed to take, accept, or make use of a presentation, for several years after this Act was passed."<sup>1</sup> It does not appear, however, that the majority of the Church were disposed to take advantage of this opportunity. They were, for the reasons which have just been noticed, becoming reconciled to the practice of patronage, or at least passive. While the Church thus presented a calm sedate front to the world, the fire of the Covenant was burning within. The zealots felt bitterly the loss of the old coercive powers for the enforcement of the judgments of ecclesiastical tribunals. They suspected,

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<sup>1</sup> Willison's Testimony, 48.

and not without cause, that their representatives had not been zealous and indefatigable in pressing this matter; that their accommodating worldly brethren had too readily yielded to the views of statesmen who, as latitudinarian men of the world and free-livers, were averse to discipline. The zealous hankered, in fact, after some relic of the power of the old Church. There the ecclesiastic had only to say, here is a heretic, when the dutiful civil power put the heretic to death. The Covenanters were not cruel. They did not desire to put any one to death; but they thought it hard that they could not enforce the faith of the Gospel and the righteousness of the law. In their difficulty they strove to make the most of their own particular powers of inquisition and discipline. They would take Satan into their own conclave, and wrestle with him there.

Hence, within the Church, the system of discipline continued to be a peculiar and remarkable inquisition in the parishes where old opinions ruled. Its results, as found in kirk-session records, and in popular allusions to the manners of the times, have produced much national scandal by the lubricity of their details, and suggested many a sneer against the tastes and habits of the clergy, who zealously hunted out so many frailties of the flesh and mysteries of morality. It has often given special gratification to those whose habits and opinions are not well fitted to meet a critical inquiry, to find that in those honest, resolute, and exterminating investigations, the searchers after scandal have found it in the very chosen vessels of grace in their own sanctuary. The perpetual indecorum of such investigations, and their frequent exposures of depravity in zealous professors, as the more rigid were termed, made people associate the frailties themselves, rather than their merciless exposure, with the Presbyterian system in Scotland. The mistake resembles that often made by foreigners who read our published jury trials, and mistake the scornful publicity sometimes given to connubial errors, for an indication that such habits are deeply rooted in our higher classes.

It does not follow that because the clerical inquisition displayed scenes of revolting licentiousness, it created

them. But, on the other hand, it is very obvious to those who read the session records, and otherwise trace the manners of the age, that it did little, if anything, towards their suppression. The scenes it brought before the world were not of an edifying or purifying kind. The more vice was dragged from the dark, the more seemed to be left behind it to be dragged forth, and the inquisition went on, ceaseless and ineffective. The people became familiar with the sight—sometimes too familiar with its cause. If the degradation on one Sunday were insufficient, it should be followed by another and another. It became matter of boast that a parish had risen so much higher in rigidity than its neighbours as to demand more appearances in the place of scorn. A frail victim was sometimes compelled to appear on nine or ten successive Sundays, exposed to the congregation in the seat of shame. The most noticeable effect often produced by the exhibition was in the gibes and indecorous talk of the young peasants, who, after a few significant glances during the admonition, and a few words at the church door, adjourned the general question for discussion in the change-house. Sometimes it was noticed that the young Jacobite lairds, who would not be otherwise induced to enter a Presbyterian place of worship, strayed to the parish church to have an opportunity of seeing the latest addition to the frail sisterhood of the neighbourhood. The exposure sometimes hardened hearts otherwise redeemable; or drove the erring to deeper crimes for the concealment of their guilt. Thus this rigid system, however highly it may have purified the virtue of the select few who were the patterns and leaders of the flock, doubtless deserved the reproach often cast upon it, of driving weaker brethren either into hypocrisy or recklessness, by compelling the people to be either puritans or reprobates.

But whatever reproach this system may be liable to, does not fall on the clergy more than the rest of the community among whom it prevailed. That the common people of the country warmly supported a rigid inquisition, is proved beyond doubt by the attraction possessed by it in Dissenting Churches after it had died away in

the Establishment. We shall see that the decrease of discipline was one of the main grievances which created dissent in the eighteenth century. At this day it is believed that, in some dissenting Presbyterian congregations, clergymen whose enlightened principles are far beyond such customs, cannot escape unwillingly exercising some part of the functions of public rebuke; their rigid followers, who have gone away with them from the beaten path to indulge in this and other spiritual luxuries, demand it.

In fact, whether it were a resuscitation of the spirit of confession and absolution or not, it is clear that the system of discipline was felt as a privilege even by many of those who suffered from it. To have gone through the ordeal—termed “justifying the offence”—conveyed a comfortable sensation, of which they did not desire to be deprived. “Justifying,” no doubt, was the term applied to the civil punishment of crime; but here it carried the import of a balancing of accounts. The thief whose ears were nailed to the Tron had discharged his account with the law of man, and he who had submitted to discipline had discharged his account with the law of God. Hence laxness in administering discipline was a frequent and almost general charge against the backsliding clergy; and those who had reason to fear its stripes, seem to have been not the least desirous to strengthen and uphold it.<sup>1</sup>

But whatever may be said of the self-imposed influence of inquisitorial scrutiny and rigid restraint among the

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<sup>1</sup> I have seen a process for deposing a clergyman on a charge of laxness in discipline where the chief accuser and witness was one who had to complain that, having committed an act of incontinence, he was not required to do penance for it. Hepburn, who separated from the Church as a Cameronian, when charged, before his separation, with exercising discipline beyond the bounds of his parish, said: “With respect to that only instance libelled against me, the man had been under long conviction of his guilt, and was earnestly desirous of an opportunity to exoner his conscience by public confession, which, as I was credibly informed by some in the place where he lives, he had manifested by desiring access thereto from his minister, but was denied it. Whereupon, having a child to be baptised with me, being stumbled by his minister’s foresaid refusal, and other things, I could not well deny him the liberty of making a public acknowledgment of his fault.”—*Humble Pleadings for the Good Old Way*, 213.



humbler classes, there were others whom these practices tempted to follow a system of gross hypocrisy and deception,—the politicians who, without an honest sympathy in their views, desired to found political power on external conformity with the requisitions of the more rigidly religious. It would be difficult to decide how far some of them were sincere; but it is certain that the extreme rigidity which the Covenanting Presbyterians exacted from those who were to be counted among themselves, created several instances of deep and audacious hypocrisy.

As the type of this class, we may take James Erskine of Grange, whose memory is connected with a domestic romance which, in its wild features, could only arise out of moral and social principles so exaggerated—to the present time fortunately so strange—as we shall find his to have been. He was a brother of the Earl of Mar, and the principles of family attachment would have ranked him among the Jacobites, but that the perfidious versatility of the leader of the Rebellion prevented his family, as it did himself, from being claimed by any steady party. Erskine was placed on the bench in 1707, when he had but just reached manhood; he remained there until 1734.

He had long, for private reasons, nourished against Sir Robert Walpole such a fierce spirit of revengeful hatred as hearts like his can alone imbibe. He determined to enter Parliament, and join the phalanx engaged in its long death-struggle with the tenacious minister. A bill was then before the House to regulate abuses in Scots elections, and Walpole dropped into it a short clause disqualifying judges of the Court of Session from being elected members of Parliament. He punished, but did not paralyse, his opponent; for Grange, having great reliance in his power of wounding, discarded his gown, and kept his seat.

Walpole had many secret feelers of political pulses distributed hither and thither, and learned many things on which he quietly acted, without deeming it necessary to make them public. There is little doubt that he knew Grange, under the mask of an ultra-Presbyterian, to be hatching plots with his brother and the Jacobites. In his confidential correspondence we find Grange speaking

moodily about official backs turned on him at levees, black looks from Lord Ilay, and hints about things that had been seen in letters not intended for the perusal of those who had so seen them.<sup>1</sup> The publication, in the present day, of some of his confidential letters, enables us to see what Sir Robert was likely to find said about himself, when he intercepted the judge's correspondence. In one of them, dated in 1733, he speaks of an insolent and rapacious minister taxing the nation with war burdens during peace, yet afraid to vindicate the national honour against insulting enemies—covering the country with “a swarm of fiscal vermin” for the enforcement of his “most damned excise scheme”—“plundering the revenue,” and using all his art and bribes to suppress inquiry—employing “barefaced and avowed bribery of members of Parliament and others, and boasting of it—heaping up immense wealth to himself, and his most abject profligate creatures of both sexes”—and finally, and the great cause of all the lamentation, “employing insignificant brutes or the greatest rogues,” “while men of merit and service, and of the best families and interest, are neglected and abused.”<sup>2</sup> Though Walpole did not care for public vengeance or exposure, he was not disposed to permit the man who was deeply dipped in Jacobite intrigues, and given to speaking in this fashion, to be both a judge and a member of Parliament.

Erskine's social position was as peculiar as his domestic. From faint traces of his habits, it is known that he kept secret companionship with some of the profligate leaders of the Jacobite cause, but he required to conduct his intercourse with them, whether it were political or convivial, with dead secrecy. His frequent visits to London must have been a relief to the laborious mysteriousness of his convivial habits, while it opened to him a social circle, in which even one whose austerity was more sincere might have yielded to mingle. His brother's wife, Lady Mar, was the sister of Lady Mary Wortley Montagu. He had

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<sup>1</sup> See the very curious “Letters of Lord Grange,” published in the third volume of the *Miscellany of the Spalding Club*.

<sup>2</sup> *Ibid.*, iii. 57.

much intercourse with "Avidion and his wife," not always of a friendly character, and thus he was repeatedly in the centre of the most witty and brilliant circle of which the British empire could boast. In the exterior observances of what is polite and polished, it must have been in strange contrast with the arid zealots whom he met in Church courts, or the fierce, rough, Jacobite intriguers who shared his secret symposiums in the oyster-cellars of Edinburgh.

But there was another sphere in which this versatile man had a position perhaps more peculiar still. His wife, a daughter of the Chiesly of Dalry who murdered President Lockhart, was a woman of fierce, proud, vindictive, and jealous temper. Aggravated apparently by habits of intoxication, her passions took at last the form of a partial insanity. She frequently exposed herself to notice by violent outbreaks; and the pious friends of the judge pitied him sincerely in being subject to so terrible a domestic curse, accompanied by exposures doubly grievous to one of his sedate walk and conversation, while they admired the Christian meekness with which he bore the infliction.

At length, one day about the beginning of the year 1732, it was announced that the poor woman had died somewhat suddenly. It was a natural announcement surprising no one, and occasioning satisfaction rather than sorrow. Her funeral was duly attended, and she was soon forgotten. It was after the lapse of ten years that the strange secret of her fate was discovered. It is a part of her husband's history so well known to the world as only to demand the briefest notice of its chief features. In the chambers which she occupied within a court in the High Street of Edinburgh, she was seized and gagged by a party of Highlanders. She was at first shifted about among the castellated mansions of some of the Lowland gentry, and at last entering the Highland line, was conveyed through Glencoe, and onward deeper among the mountains, until she reached the savage shores of Loch Hourn, where her keepers took boat for the Western Isles. She was for some time kept in the small island of Hesker,

near Skye, and was finally conveyed to the more remote island-prison of St Kilda.

When this strange history became known, the venerable judge established a plausible vindication for himself: the woman, he said, was mad, and there was no asylum fit for such patients in Scotland; what better could be done than provide her with a retreat where she was at once secure from escape and safe from injury? On the other hand, it was hinted that there were political reasons for the removal of Lady Grange. The wonder-loving world troubled itself little about the motives at work, and opinions oscillated between the two views. But the terms of Grange's confidential letters show beyond doubt that it was not alone the frantic temper of the woman, but those dreadful secrets unfortunately in her possession, which her fierce vindictiveness might lead her to reveal, that truly prompted him to act the kidnapper and jailor. He speaks of her threats as dealing with matters leading to Tyburn or the Grassmarket—the place where the gibbet was erected in Edinburgh; and though he naturally questioned if any one would seriously believe the assertions of the mad woman, he was inspired by them with a lively terror, and finding that she was flying on the wings of vengeance, to make revelations in London, he, by aid of the friends who might have been implicated, stopped her career in the manner which affords so formidable an instance of the organised power of the Scots Jacobites.

But this is not all that is revealed by this tell-tale correspondence. His own wife was not the only woman of weak or unsettled intellect on whom he had designs. He had a near connection, as we have seen, in a sister of Lady Mary Wortley Montagu. She, too, crosses the lines of his correspondence as one who suffered from irregularity of mind, though of a milder and less formidable character than the demon that possessed the murderer's daughter. The letters open some complex questions about property, in which his brother, his brother's wife, and he himself are concerned; but they afford no clue to their intricacies, and only show that Grange desired eagerly to have the whole matter at his own disposal, and for that object

longed to get possession of the person of the Countess of Mar, and convey her to Scotland. He is seen complaining bitterly of the resistance to his plans offered by her relations, and especially by Lady Mary, whose sharp and fierce tongue seems to have galled his sensitive conscience beyond endurance. It is strange, just a year after the disappearance of his wife, to find him mentioning that they suspect, if he once get the poor woman in his possession, he may convey her to some remote solitude, where she will for ever be lost to the world. It appears from the correspondence that Grange, through some legal form, actually got possession of the poor lady, and was on his way with her to Scotland. It is natural to anticipate that her fate would have followed the precedent he had just set. But he was pursued by a vigilant and daring enemy; and he has to mention with indignant grief, that ere he crossed the Border with his valuable spoil, he was pounced upon by Lady Mary, armed with a King's Bench warrant for the restoration of her sister.<sup>1</sup>

It is almost frightful to find a man of this kind in firm alliance with the most rigid Presbyterian divines, conforming to the worship and discipline of their Church, so as to fulfil the amplest requisites of the most exacting, and a powerful and well-trusted member of the Church courts. Among his many grounds of complaint, in his confessional letters, one is that men are advanced who had been unable, like himself, to make themselves acceptable to the religious world. He was an active as well as a submissive and conforming member. He was an ever-zealous advocate of the rights of "the Christian people." On the other hand, if there was any act of rigour, of harassing inquisition, of indecent outrage on private life or opinion to be carried out, Grange was the man to whom it was committed, and he performed the duty with genuine and unconcealed enjoyment.<sup>2</sup> It was impossible for such

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<sup>1</sup> Miscellany of Spalding Club, 31.

<sup>2</sup> Many instances of his tyrannical and intolerant conduct may be found in Wodrow's 'Analecta.' He appears to have been the chief supporter on the bench of the punishment of Greenshields, the Episcopal clergyman.

hideous duplicity to walk about unsuspected, and honest simple-minded friends, like the zealous Wodrow, have occasionally to complain of the harsh insinuations thrown out against the virtuous and pious judge.<sup>1</sup>

It may be doubted if it increases the motliness of this character, that we find its owner keeping a diary in which he recorded his self-communings.<sup>2</sup> It is difficult to say whether it was designed to impose on himself or impose on posterity, since it continues in a uniform strain the exalted tone of piety of one who, as Wodrow says, thought there was too much preaching up of morality and too little of Christ and grace. But there are some little symptoms throughout, as if of a conscience ill at ease within itself. It is the diary of a haunted mind, keeping up its religious fervour to drive out other thoughts, and seems to march steadily on in its adopted tone,

“Like one that on a lonesome road doth walk in fear and dread,  
And having once turn'd round, walks on, and turns no more his  
head,  
Because he knows a frightful fiend doth close behind him tread.”

Such was Lord Grange. In reviewing his character, it would afford a depressing notion of human nature to believe that many of his contemporaries approached him in duplicity and hypocrisy. But he was, perhaps in an extreme form, the kind of man that a rigid system in which the powerful upper class of the country did not sincerely partake, was calculated to rear among those who pretended to comply with it.

But the zealous Covenanting party to whom these peculiarities belonged was decreasing. The predominant party in the Church had a natural reluctance to frighten away the gradually conforming members of the Episcopal

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<sup>1</sup> One day, according to Wodrow, he found attached to his door a “villanous paper,” containing “Queries to my Lord Grange,—1. Whether he be a Jesuite or not? 2. Whether he be a pensioner to the Pope? 3. Whether my Lord Grange can answer the former queries? 4. Whether, if he answer them, he ought to be believed?” —*Analecta*, iii. 510.

<sup>2</sup> See Extracts from the ‘Diary of a Member of the College of Justice,’ privately printed in 1843.

persuasion by too great an exhibition of rigour. The descendants of a large portion of the northern Episcopalians, and the gentry throughout the whole country, were gradually becoming a valuable accession to the Established Church; and it suited neither the taste nor the interest of the majority of the clergy, by stern exactions, to keep them out of the sheepfold. These accessions were not, however, obtained without sacrifices. A great portion of the common people, still partial to the old system, sought it where they could find it. And whether what the Church gained in one direction was compensation for what she lost in another, will, perhaps, long be matter of dispute.

The proceedings of the General Assembly were visibly every year discarding a portion of the old fervid spiritual character, and assuming in its stead official formality and pomp. There was now no fear of any dispute between the spiritual privileges of the Church and the temporal prerogative of the Crown; for the Government imposed its influence through the constitution of the Assembly itself, and directed the serious part of the business much as the ministers of the Crown had been accustomed to lead the business of Parliament. The lord advocate and solicitor-general, attending as ruling elders, and bringing with them their prompt habits and aptitude in transacting business, discomfited muirland ministers, who had come from their distant manse heavily laden with far-sought and discursive arguments, which they purposed leisurely to deposit in the minds of their brethren. Sometimes the great Earl of Ilay himself frowned down a pertinacious declaimer; and there was such an effective check on long discursive appeals, and violent protestations, that the fervent minority complained bitterly of their new bonds, rendered the more galling that their slavery to the Establishment brought them under the scorn and derision of their Cameronian friends who had departed from the flesh-pots of Egypt.<sup>1</sup>

While the General Assembly, subject to such influences, dropped the fervour of "the good old ways," it still lingered in the provincial courts. There was thus, as we shall pre-

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<sup>1</sup> See Wodrow's Correspondence, iii. 254 *et seq.*

sently see, great antagonism between the local courts and that central body which was believed infallibly to represent them, because it was a general aggregate of their constituent elements.<sup>1</sup>

Not desiring, and perhaps unable from the constitution of their body, to suit their measures to the local disposition and peculiarities of the districts, the Assembly required a general conformity with the views of their own majority—a conformity which, of course, involved antagonism to the views of that minority of the aggregate body which, in some of the districts, represented a sweeping local majority. The cumulative majority, had Covenanting principles predominated, would have swept the Church of everything uncovenanted. Now, however, the majority had turned the other way; and the relics of Covenanting principles, though, on account of their fundamental connection with the history and traditions of the Church, they could not be directly attacked, were palpably discountenanced. This spirit was conspicuously distinct in the vexed questions about the collation and presentation of ministers. Whatever views the majority of the Assembly might hold, the provincial courts were naturally apt to follow the genius and habit of the place. In the north, the popular spirit, leaning to Episcopacy, supported that tone of Presbyterianism which came nearest to it, while the south-west was still strongly Covenanting. In many instances the Church courts declined to give any effect to the decisions of the Assembly, and pursued their own accustomed way. A plan was then adopted for putting the principles of the majority of the Assembly in force in those districts where the local majority was on the other side. The decisions

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<sup>1</sup> The result, shown in long-continued feud and occasional disruption, gives some support to that view of ecclesiastical polity which condemns aggregate meetings of clerical bodies while approving of their free action in small local corporations. The promulgators of this view hold, that when clerical disputes are frittered away in local discussions, here one party predominant, there another, there may be general discussion, but there are no critical conflicts; and no majority, hardened by a training to conclusive efforts, and flushed with victory in pitched battles of debate, tramples upon an embittered and humiliated minority. This was the policy enforced by Cromwell.



and instructions of the Assembly, instead of being committed as usual to the local courts, were put into the hands of special committees for execution. These bodies, consisting of strangers in the districts where they acted, and named Riding Committees, became signally offensive, and produced much local discontent.<sup>1</sup>

These changes in the practice of the Assembly, accompanying a modification of the principles predominating in the Church of Scotland, produced the discussions and feuds of which it is now necessary to offer an account.

The first touch of serious internal strife in the Church was the great Simson heresy. To those concerned in it, or immediately looking on, it was exciting enough in its day, and it was a long day; but neither in the intellectual prowess shown by the combatants, nor in the magnitude of the interests at stake, has it much hold on permanent interest. John Simson, the professor of divinity in the University of Glasgow, was long under suspicion of teaching erroneous doctrine on essential points. He was a metaphysical inquirer, whose mind appears to have wandered over minute subtleties without having the breadth of view or strength of classification which would enable him to group them into large principles. Hence arose much doubt and debate. If we are to believe the minuter opinions attributed to him, when pushed to ultimate conclusions they would make a creed more like the Rationalism of the present day, than the views which a Scots Presbyterian clergyman was bound in sincerity to his adopted faith to teach. The metaphysician seems to have aggravated the feeling against him by a silent but hardly disguised contempt of the country clergy and their clumsy handling of his subtleties.

The siege laid to him in the Church courts was distasteful to the majority in the General Assembly, and was protracted through long debates. There seems to have been

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<sup>1</sup> Their name of "Riding Committees" was derived, not from any equestrian practices or accomplishments attributed to them, but from an old semi-technical expression which alludes to any authority set over another as overriding it.

no ultimate decision for or against him. He drops out of sight after fifteen years' litigation before the Church courts, during which his opponents were embittered by their baffled pursuit ; and that he had not been immediately cast forth as heretical, was one of the main causes of enmity against the prevailing party in the Church.

While this quarrel went on slowly but bitterly, another feud arose between the Assembly and one of the local judicatories. It was a mere scuffle about the proper qualifications of a licentiate in divinity, and was forgotten in the mighty "Marrow Controversy," now demanding our attention.

There was published when Puritanism was triumphant in England, 'The Marrow of Modern Divinity: Part First, touching the Covenant of Works and the Covenant of Grace: Part Second, touching the most plain, pithy, and spiritual Exposition of the Ten Commandments.' The name of its author, Edward Fisher, will not be found in the ordinary biographical dictionaries, but he happens to come within the respectable circle of Anthony Wood's academical notices ; and when scoffers insisted that he was but an illiterate barber, it was shown from the 'Athenæ Oxonienses,' that he was the son of a knight, and was a gentleman commoner of Brazen Nose, noted, as his book itself informs the reader, for his knowledge of ecclesiastical history, and his skill in ancient languages.

This book had been long forgotten, when a soldier died in a remote parish of Berwickshire, leaving a few religious books. The Reverend Thomas Boston, author of 'The Fourfold State,' when visiting his flock from house to house, one day stumbled on this little treasure. The first book he took up was, 'Christ's Blood Flowing Freely,' by Saltmarsh. This he laid aside as unedifying. The next volume he opened was 'The Marrow ;' and, fascinated with its genial contents, he read on, feeling that it at once opened to him that door of the sanctuary after which he had been but dubiously groping, and created that change of heart which it was the doctrine of his theological school to hold essential. The precious volume was handed about among devout friends ; and a party of the clergy,

believing that it contained an antidote to the opinions then poisoning the well of spiritual instruction, resolved to revive it.

The volume was printed under the auspices of the Reverend James Hogg, and instantaneously achieved a mighty popularity. But its acceptability with one portion of the Church was met by the thorough antagonism of another. The publication of this book, avowedly as the standard of opinion by a party of the Church, created a rancorous and dreary controversy, in which the adherents of 'The Marrow' were denounced as Antinomians, and their antagonists as mere Legalists. The ruling party in the Assembly had the folly to believe that they could quench the dispute by authority. In the year 1720 they passed an Act "concerning a book entitled 'The Marrow of Modern Divinity,'" in which they denounced a series of specific opinions contained in its pages, prohibited the clergy from citing and recommending the book, and directed them, on the contrary, to exhort their people not to read or use it. Such injunctions are never obeyed. The popularity of the condemned book received a new impulse. Twelve of the most able and popular clergy in the Church, not content with simple disobedience, thought themselves constrained to lift up their testimony, and gave in to the Assembly a formal representation against their Act. Those who adhered to this document received the party-title of the "Marrow-men," and became a power in the State which their opponents regretted that they had raised. Their triumph was enlarged and glorified by the publication, stimulated by the fervour of the controversy, of Boston's 'Fourfold State,' one of the most popular religious books among the Presbyterians both of Scotland and England. This quarrel raised a more serious one in a question of practice. The minority of the Assembly, whenever they were beaten in divisions, loaded the table with "protestations" against the resolutions adopted; and the Assembly, determined to put down this practice as a nuisance, made a rule against it.

Among the protestations thus rejected, a long and solemn "Representation and Petition," signed by forty-

two clergymen, and presented in 1732, was refused a place in the official records of the court. From the events following, it had, however, a place in the history of the Church. It set forth the sins of the Assembly, both in what it had done and had left undone. As testimony to their sins of omission, there stood the Government oaths, the test demanded from Presbyterians holding office in England, the laxity of the Church in dealing with Professor Simson and other false teachers, the existence of patronage; and—greatest scandal of all—the rise of “an almost boundless toleration in Scotland, whereby error, superstition, and profaneness, are much encouraged, and the discipline of this Church weakened by withdrawing the concurrence of the civil magistrate.”

It happened at this juncture that the Assembly aggravated all this neglect of sacred duty by a positive Act. By the *jus devolutum* for neglect to present, and through other incidents, the Church itself had an extensive administration of patronage. How was it to conduct this administration?

In 1732, an Act of Assembly was passed, regulating the method. A preliminary call should be signed by the elders and the Protestant heritors or landlords, and the congregation might state objections, the efficacy of which was to be judged by the Presbytery. Among others of a technical kind, there were two great sins in this arrangement: the one that the popular call was not put into the hands of the faithful communicants, but of the heritors, who might be Episcopalians, Jacobites, sceptics, or absentees; the other, that it was the Presbytery, not the congregation, who were finally to decide. The kingdom said to be not of this world was thus connected with the basest elements of worldliness. It fell to the lot of Ebenezer Erskine to find a place where, with the force of authority, he could lift up his voice against the deed. He was moderator of the Synod of Stirling and Perth. The period of his presidency was expiring; but before handing his successor into the chair, it was his duty, according to established etiquette, to preach a farewell sermon to the Synod. It was delivered on the 18th of October.

Present on that occasion were many of those who had carried the offensive Act. Perhaps it was not the preacher's intention to launch into controversy; but seeing there those whom he counted the betrayers of their sacred trust—led on probably by his text, "The stone which the builders refused is become the head stone of the corner,"—he felt growing within him that invincible impetus to denounce the compliances of the times, which was believed to be not only a solemn duty of him who occupied the chair of exhortation and reproof, but a sort of inspiration from a higher power, which it was a wickedness to resist. He heard the "Cry aloud, spare not: lift up thy voice like a trumpet, and show my people their transgressions, and the house of Jacob their sins;" and forthwith he rushed into a rapid denunciation of the many prevailing defections with which he and his friends charged the Church of Scotland, assailing the unfaithful builders with that ready, fervid, and seemingly irrestrainable rather than artificially created rhetoric of which he was a master.<sup>1</sup>

The position of the unfaithful builders there present was not agreeable. They complained of bad taste, and something like bad faith, in one having incidentally the command of that unassailable clerical fortress, the pulpit, employing it in fighting his polemical battles. But oppo-

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<sup>1</sup> In the ensuing pages, besides the documents specially referred to, and the pamphlets of the day, use has been made of the following works: 'Memoirs of the Secession,' by the Rev. John Brown of Haddington—lent to me by his late grandson, the third of a race of distinguished divines. This is the extended work whence its author's sketch of the 'History of the Secession' was abridged. 'A Defence of the Reformation Principles of the Church of Scotland,' by William Wilson, A.M., Minister of the Gospel at Perth. 'Memoirs of the Rev. William Wilson,' by the Rev. Andrew Ferrier. 'A Fair and Impartial Testimony, essayed in name of a number of Ministers, Elders, and Christian People of the Church of Scotland, unto the laudable Principles, Wrestlings, and Attainments of that Church, &c., commonly called "Willison's Testimony."' Gib's 'Display of the Secession Testimony.' 'History of the Secession Church,' by the Rev. John M'Kerrow. Series of histories and biographies, published under the title of 'The United Presbyterian Fathers.'

site parties can never be found to take the same view of such matters. Erskine's friends deemed that he had providentially been set in that pulpit, before the chief offenders, that he might castigate them with the stripes of righteous scorn ; and in their complaints they received no more sympathy than the convicted offender who grumbles about the judge's admonition.

Ebenezer Erskine was then in the fifty-second year of his age. He was a scholar and a gentleman ; and his acquirements and deportment saved him from the reproach of ignorant and vulgar fanaticism. Though the son of a nonjuring clergyman of the days of the persecution, and said indeed, traditionally, to have been born in the State prison of the Bass, he was a man of lineage, counting kin with some of the first houses in Scotland. He thus united those two idols of the Scots common people, which they regretted to see so seldom in conjunction—antiquity of blood and orthodoxy of creed. His popularity and influence over the people were vast. He possessed that rising and seemingly involuntary and irresistibly-fed eloquence, ever welcome and refreshing to the fervent Presbyterians of Scotland, who have not even yet lost an old standing objection to prepared and digested discourses, especially when they carry the evidence of their premeditation to the pulpit, by being read from a manuscript.<sup>1</sup> Erskine was a gushing fountain of the living waters of their favourite rhetoric that never failed them. Hence, on the great days of assemblage at the communion, people would flock from far across the hills to the deep

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<sup>1</sup> This, like many other of the peculiar traditions of the Church, seems to have had its origin in the days when the popular clergy were scarcely deemed ordinary human beings, and were supposed to speak under direct inspiration. In the "Representation" of 1732, there was complaint of the "method and strain of preaching" introduced by young ministers, very offensive to many of God's people, and no small obstruction of spiritual edification." "Yea," the document continued, "a young minister appointed to preach before his majesty's Commissioner to the last Assembly, had the assurance, even on that solemn occasion, to add to former innovations that of reading his sermon openly, though he could not but know it would give great offence both to ministers and people of this Church."

emphatic enjoyment of that religious festival in the quiet parish of Portmoak, and sat in thousands on the hillside, deriving exquisite enjoyment from addresses, which, after the first surprise of their novelty and vivid rhetoric was over, would have been eminently tiresome to persons of different religious sentiments.

Such was the person who took the opportunity of occupying the pulpit to denounce the principles of the ecclesiastical brethren who sat around him. His hearers, who were also his judges, lost not a moment in bringing him for judgment before the Synod they were assembled to hold; and after a debate, hot and fierce, as its immediate exciting cause would naturally render it, the body resolved that he should be rebuked and admonished. But as on one driven forward on his course by impulses not controllable by the human will, the storm so beginning fell in vain. "According to the utterance," he said, "given by the Lord to me at Perth, I have delivered His mind, particularly with relation to some pervading acts of the day, which to me are matter of confession, and therefore I dare not retract the least part of that testimony."

The question was appealed to the General Assembly, which sat on the 3d of May 1733. Erskine was heard in his defence, but there was a clear majority against him; and the rebuke was confirmed. The Assembly, according to the rule which had given so much offence, would not permit Erskine, and three brethren who supported him, to enter a "protestation" against their proceedings. It happened, however, that ere they withdrew, they left the document of protest on the table. It passed some time unnoticed—the Assembly were proceeding to other business, and indeed were indulging themselves in the belief that the affair was over, when the portentous bit of paper caught the eye of a certain Mr James Nasmyth, minister of Dalmeny, pronounced by a contemporary "a fiery man in the corrupt measures of that time." Starting up, he raised instant curiosity by begging that business might cease until he intimated a momentous discovery; and then, with a loud voice calculated to deepen the obdurate tone of the offensive matter, he read forth the emphatic pro

testation. Though thus read by one of themselves, it had no less irritating an influence on the assemblage than if it had been boldly proclaimed against their rules and commands by the recusants. An officer of the Assembly was despatched to find the four brethren and bring them up to the bar. A committee was appointed to "deal with them" according to the practice of the Church: but all in vain. It was then resolved, in an angry house, that the Commission which represents the Assembly in the long interval between its sittings, should deal with these recusants, and if they did not show penitence, should depose them from their functions, announcing a higher ecclesiastical punishment should they still remain contumacious.<sup>1</sup>

When brought up before this body, they had no more intention of retracting and expressing sorrow, than of renouncing their baptism and becoming Mohammedans. Erskine, indeed, in the mean time employed himself in publishing his offensive sermon, with some vindictory passages expressive of his determination to abide by it. In fact, the little cluster of friends began to feel their strength in the Church, where a large party were forming, who, if not with them in all their views, exclaimed vehemently against their being punished. In August they were suspended from their duties. In November the higher punishment for contumacy was imposed, the tenor of which was to loose their relation to their charges, and declare them no longer members of the Church of Scotland,—a sentence which had the substantial effect, though not the opprobrious name, of an absolute deposition from the ministry. These things were done, it will be observed, by the Commission, which was properly a committee, and they might be revoked by the Assembly at a formal sitting, so that the absolute amputation was still avoidable.

It seemed now that there was to be reaction and reconciliation. Such a spirit can be traced through some tedi-

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<sup>1</sup> See the account of the scene at the commencement of 'The Display of the Secession Testimony,' by the celebrated Secession clergyman, Adam Gib, who was present: and Thomson's 'Historical Sketch.'



ous technicalities ; but it may be sufficient to say that, instructed by the General Assembly, the provincial Synod of Stirling restored Erskine and his three brethren to their ministerial position, and all seemed well again. "Let by-gones be by-gones," was one of the expressions of good-fellowship offered at the bar of the ecclesiastical tribunal by those who had been the judges, to those who had been the convicts ; and to show how sincere was the spirit of reconciliation, Erskine was asked to be moderator of his Presbytery—a deputation from which waited on him, with great courtesy, as on a hostile power with which peace had just been concluded, to desire him to become their chairman.

He declined the honour ; and an affair which is generally one of etiquette and routine, afforded the first indication of a haughty spirit of religious isolation, which rapidly developed itself among the recusants when the pressure of the Establishment was removed. Dissent in England had generally been gentle, or at least humble,—its adherents, conscious of the strength and splendour of the great Establishment from which they departed, quietly seeking relief for tender consciences. In Scotland, every cluster separating from the Establishment—and even, as we shall see, sub-separating itself from any considerable dissenting body—at once assumed the position of "the Church," became an ecclesiastical power, and passed sentence on the body from which it had separated, as heretical and schismatic. There was a reason for the distinction in the relative character of the two Churches. In England, it was not only that, in looking from the Church to Dissent, men of social rank and high scholarship were put in comparison with flighty attorneys' clerks, and serious weavers, who had got a call ; but that the great Establishment to which, with a mere scattering of exceptions, the main bulk of the nation was attached, kept to its old principles, while the Dissenters struck out innovations. Hence, by a natural law of English feeling, which abhors novelties, they were condemned to content themselves with the mere outskirts of the population. On the other hand, Scots dissent always tended to preserve the old

principles of the Church, whence the Establishment, by the progress of enlightenment, as some said—by deterioration, according to others—was lapsing. Looking at these distinctions, the conduct of Erskine and his brethren is natural. Day by day, though feeling more deeply that the Establishment was lapsing from what they deemed fundamental principles, they were unwilling to separate themselves and make their stand; but once having done so, they set a century between themselves and the Church, dividing themselves from all the laxities of modern days; and, taking up their position as the old Covenanting Church of Charles I.'s day, they put on trial from that high antique judgment-seat the degenerate Scots Establishment, and condemned it. They had remained in the Establishment, not as loving and aiding it in the spirit which influenced it, but for the purpose of overcoming the evil spirit, and turning the policy of the body in the right direction. Failing in this, they resolved to go forth, and, taking their place on the eminence where it ought to have stood, pronounce sentence against it.

Thus the tone of those who had been receiving sympathy as the victims of clerical oppression began to be haughty and authoritative. It was not solely directed in argumentative hostility against those who had oppressed them, but in disdainful reproof to those who, though sympathising with them, remained in connection with the erring Establishment.

The recusants had, in fact, on the 15th of December 1733, met at a remote hamlet in Kinross-shire, called Gairney Brig, where they formed themselves into a Presbytery,—thus becoming a Presbyterian Church court distinct from the Establishment's tribunals. They yet were not disconnected, as clergymen, with their parishes, or as incumbents with their stipends. Gaining some accessions to their numbers, they drew up a formal statement of their ground of separation from the Establishment. It was deemed afterwards to be merely provisional, and received the name of "The Extra-judicial Testimony," when, in 1736, a fuller document, which must be held as the re-

vised standard of the Secession, was issued, and received the distinguishing title of "The Judicial Testimony."<sup>1</sup>

In 1742 they issued what was called "An enlargement of their testimony, with respect to some injuries done to the doctrine of grace"—a polemical criticism on prevailing doctrines of the Church of Scotland, and in a great measure a vindication of the principles of Fisher's 'Marrow of Modern Divinity.' The "Judicial Testimony" is a great historical dissertation on the departure of the Church from the good old ways of the Melvilles and the Covenanting days. If it had not been that all has been already told in this history, it might be necessary to follow the narrative of the Testimony. It may suffice to say, that in the eloquent reminiscences of departed glory, the practical grievance of the day—the exercise of patronage—drops into insignificance, while other grievances are opened that seem sadly unworthy of the occasion. In this part of their testimony the Seceders left a prominent mark for the scorner, in denouncing along with stage-plays and other vanities, the repeal of the laws against witchcraft,—a passage to which it is necessary to refer as a feature of the times, but which it would scarcely be fair to pass over without mentioning that it did not stand long recorded, without calling regretful notice from influential members of the new Church.<sup>2</sup>

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<sup>1</sup> 'Act, Declaration, and Testimony for the doctrine, worship, discipline, and government of the Church of Scotland, agreeable to the Word of God, the Confession of Faith, the National Covenant of Scotland, and the Solemn League and Covenant of the three nations, and against several steps of defection from the same, both in former and present times; by some ministers associate together for the exercise of Church government and discipline in a presbyterial capacity.' It is often found printed in a separate pamphlet.

<sup>2</sup> The very remarkable part of the testimony here alluded to is the following:—

"All the above-mentioned steps of defection and apostasy are followed with many evident signs and causes of the Lord's departure; such as abounding profanity, impiety, and the vilest immoralities of all sorts,—wherewith the land is greatly polluted. The profane diversions of the stage, together with night assemblies and balls. These sinful occasions of wantonness and prodigality are encouraged

The testimony was not merely an exoneration of its adherents; it was the decree of a supreme ecclesiastical court, which, if it was not, yet ought to be, binding on all men; and so it concluded each case of offence with a decision, in which they "judge it their duty to condemn, like as they hereby do condemn, all the foresaid steps of defection, for the several grounds and reasons above condescended upon, as contrary to the Word of God and our solemn Covenant engagements; and they hereby declare that they are *national sins*, and every one of them may be justly reckoned among the grounds and causes of the Lord's indignation and controversy with us, for which all ranks of persons have reason to be deeply humbled before the Lord."

It was natural that the Cameronians should expect to find, in the body departing from the Establishment, an accession to their own rigid ranks, and a commencement of that enlargement of their true Church, which was to spread its victories over the world. They moved with their usual prompt activity, and prepared a commentary on the "Testimony" of the Seceders, laying down forty heads of omission in the condemnatory portion of the document, or so many farther defections of the times which it was necessary to denounce, ere the new sect had purified itself sufficiently to be enrolled among the united

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and countenanced in the most considerable cities of the nation. Likewise an idolatrous picture of our Lord and Saviour Jesus Christ was well received in some remarkable places of the land. And though Popish errors and delusions abound more and more, and the abominable idolatry of the mass is openly frequented in many corners of this land; yet no proper nor effectual remedies are applied against this growing evil. And particularly, Church discipline is not duly exercised against Papists, according to former laudable acts and constitutions of this Church. And of late the penal statutes against witches have been repealed, contrary to the express letter of the law of God—"Thou shalt not suffer a witch to live." "There shall not be found among you any one that maketh his son or his daughter to pass through the fire; or that useth divination, or an observer of times, or an enchanter, or a witch, or a charmer, or a consulter with familiar spirits, or a wizard, or a necromancer: for all that do these are an abomination to the Lord: and because of these abominations, the Lord thy God doth drive them out from before thee."

societies. This comprehensive addition to the testimonies, beginning near home, denounced the kirk treasurer of Edinburgh for a virtual sale of indulgences, by receiving money payments as a substitute for ecclesiastical penance from erring persons subjected to discipline; and expanding its censures, passed through attacks on the internal administration of the British Government, to the foreign policy which involved the nation in the wickedness of alliance with the followers of Popery.<sup>1</sup>

But with an appearance of external similarity, there was a radical distinction between the two bodies of Dissenters which rendered an alliance impossible. The tendency of the Secession, though it did not appear distinctly until after the lapse of years, was to deal solely with religion and spiritual matters. They were the soldiers of no theocracy such as that of the Hill-men, whose mission it was to enforce the reign of righteousness in all things. Their tendency was to be loyal to the constitution, where it did not touch the rights they counted spiritual. The proffered alliance with the Cameronians dropped immediately; and the earliest difficulties of the new body were in severing from themselves some coadjutors who desired to mix up attacks upon the policy of the State with the testimonies of the Secession. Among the charges against them of assuming the functions of the Established Church, was their early excommunication of members of their body, for uttering sentiments disloyal to the Government.

Though the Seceders had isolated themselves so early as the year 1733, it was not until May, in the year 1740, that they were fairly severed by a judicial act of the General Assembly from the Established Church. Many efforts were made to reconcile them; but they were now the haughty condemners, rather than the reluctant impugn-ers, of the Establishment. They were not to go thither and seek an entrance; they called on that body to come to them, and, by penitence for past transgressions, be reconciled to the true Church. The body then amounted to eight in number; and, speedily increasing, they formed them-

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<sup>1</sup> Brown's MS., 73.

selves into a synod, appointed a seminary, and ordained pastors.

An event already related served incidentally to swell their ranks. The Act about the Porteous Mob, with the offer of a reward for the apprehension of the murderers, was, as we have seen, appointed with signal legislative folly, to be read from every parochial pulpit during the time of divine worship on the first Sunday of each month during a year. Perverse ingenuity could scarcely have devised a better means of dividing and breaking up the Presbyterian Establishment. The Seceders received among themselves the few, out of a large discontented body, to whom this imposition was intolerable. Had the managers of the Secession, indeed, been men after this world, they might, through this and other causes, have by subtle management at once made a large and influential church. But they evidently acted from the beginning on simple honest impulse, without guile, or reliance on the arm of the flesh. They made no arrangement for their own maintenance as a clerical body. And, what seems more remarkable, they organised no system, and made no serious effort to bring forth the great body in the Church who certainly thought with them. The numbers on their side were shown, not only by the continued increase of their own body, but by the formation, a few years afterwards, of the Relief Church, for receiving those members of the Establishment who, like them, felt aggrieved by the policy then ruling its conduct. Peculiar circumstances prevented the dissentient element from spontaneously separating from the Establishment in one compact mass. In the southern counties, touching the favoured abode of the Cameronians, there was a preponderance of clergy who always approached their primitive Covenanting spirit. But it was exactly their preponderance that prevented them, by having matters in their local courts their own way, from feeling the grievances of those who, in the middle and northern districts, held the same views. Thus the Secession came out from that part of the Church where, locally, its principles were weakest. Hence a large party remained in the Establishment, thoroughly dis-

contented with its ruling principles ; while the Secession found in them jealous rivals in religious fervour, instead of conducting them forth as ardent allies.

This was the time when the gifted Whitfield was in the middle of those conquering labours in which he passed from place to place like an arousing spirit. It appeared as if a great revival in England were accompanying the restoration of primitive faith in Scotland. Erskine and he naturally came together, and their intercourse promised a cheerful and effective union. Whitfield arrived in Edinburgh in July 1741, and, declining all pressing invitations to occupy metropolitan pulpits, he sped to Erskine's humble meeting-house in Dunfermline, and gave forth one of the stirring harangues, which bore even such high-wrought spirits as the Secession leader's habitual listeners up to a new elevation of spiritual excitement. But Whitfield did not know the men he had to deal with. It was proposed that a conference should take place on the points of difference between Presbytery and Episcopacy ; and the English clergyman found this to mean, that the only condition on which he could be admitted into alliance with the Associate Synod, was by abjuring his ordination as an Episcopal clergyman, and condemning not only Episcopacy, but all forms of Church government differing from the new form now set before him. He found far more fellowship in the Establishment than in the haughty Seceders.

In a southern parish called Cambuslang there had arisen one of those strange and melancholy exhibitions called religious revivals, with which, fortunately, Scotland has been but rarely and but casually visited. The "Cambuslang Wark," heretofore presided over by Mr M'Culloch, the minister of the parish, exhibited the usual phenomena of such orgies—the profuse fits of weeping and trembling, the endemic epilepsies and faintings, the contortions and howls, with terrible symptoms of contrition emitted by old obdurate sinners awakened with a sudden lightning-flash to all the horrors of their condition. But another and more potent spirit was invoked when Whitfield joined the reverend local leader, and his cluster of zealous coun-

try divines. The spiritual tempest was worked up to its wildest climax, when, in an encampment of tents on the hillside, Whitfield, at the head of a band of clergy, held, day after day, a festival, which might be called awful, but scarcely solemn, among a multitude, calculated by contemporary writers to amount to 30,000 people.

These exhibitions, which occurred in the year 1742, were little pleasing to the more moderate part of the Establishment, but by the Seceders they were positively denounced as the work of the devil, and a fast was appointed as a solemn penitence for these sins of the land. It need hardly be said that this unexpected movement was attributed more to envy than sincerity or wise moderation.<sup>1</sup> It gave birth to an irritating controversy, in which opprobrious names were discharged, and base motives imputed on either side, with pretty equal vehemence and success.

In the mean time, a deeper voice rose high above this disputative clamour, and the Seceders were startled by finding a body of fierce and loud denouncers arising by their side in our old friends the Cameronians. They were supremely indignant on discovering that Whitfield and his friends in the Establishment were excelling them in fervour, unction, and every other of their boasted qualities, except their intolerance; and so the persecuted remnant, as they still called themselves, because they were unable to persecute the rest of the world, issued one of their vehement, interminable testimonies, against Whitfield and the "Cambuslang Wark."<sup>2</sup>

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<sup>1</sup> Mr M'Kerrow — whose 'History of the Secession,' with a strong sympathetic leaning, is a very fair and impartial book—condemns the conduct of his friends on this occasion.

<sup>2</sup> 'The Declaration, Protestation, and Testimony of the Suffering Remnant of the anti-Popish, anti-Lutheran, anti-Prelatic, anti-Whitfieldian, anti-Erastian, anti-Sectarian, true Presbyterian Church of Christ in Scotland, published against Mr George Whitfield and his encouragers, and against the work at Cambuslang and other places.' The protesters denounce "the present lukewarm, Laodicean ministers and professors of this Erastian Church, whose ways are such as may astonish the heavens, and make them horribly afraid and very desolate, because they have forsaken the Lord, the fountain of living



The external history of the Seceders affords nothing worthy of note within the period embraced by this work, save the characteristic political fact, that both their clergy and laity were conspicuously loyal during the insurrection, exhibiting, what these pages have now had frequently to record, the extreme Presbyterians ever in the breach when the Parliamentary Settlement comes into actual danger. In the tenor of their subsequent history, there are characteristics common to successful secessions. When the cluster of gifted enthusiasts who founded the system passed away, their popularity and the adherence it brought around the cause attracted towards it inferior men, with a lower tone of mind and humbler abilities, who despised learning and all earthly lights, and devoted themselves rather to keep their numerous plebeian following down to a dead level, than to elevate them in the social scale. Their Church was peculiarly that of the humbler classes, into whom it was charged with infusing a stiff pragmatistical conceit of righteousness, which, if it was offensive to the other classes, ought to have had this merit in their eyes, that it gave the poor that contented feeling of superiority and self-satisfaction in their spiritual condition, which prevented them from being politically dangerous. The gentry, with whom no kind of Presbyterianism was ever prevalent, had far less connection with the Secession than with its earlier forms. They looked on this Church with a hostile eye, and, under exaggerated notions thus formed,

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water, His true covenanted cause, truth, and ways, and have hewn out to themselves broken cisterns, which can hold no water, in walking after the imaginations of their own hearts, and gadding about to change their ways, by going in the way of Egypt and Assyria to drink the waters of Sihor and the river, even the poisonable puddles of Prelacy and Sectarianism." Whitfield is called "an abjured prelatic hireling, of as lax toleration principles as any that ever set up for the advancing of the kingdom of Satan;" and his followers are "as far forsaken of God, and as far ensnared by Satan, as the children of Israel were when, in an unsanctified fit of madness, they were dancing about the golden calf, to the dishonour of God and their own sin and shame among their enemies." They find that the whole affair "looks like the time wherein the devil is come down to Scotland, having great power, because he knoweth that he hath but a short time."

the Seceder minister was generally deemed the focus of all that was obdurately bigoted and barbarous,—the supporter of superstitious provincialisms and obsolete vulgarities, the opponent of science, machinery, inoculation, improved tastes, and rational enjoyments. Suspicion doubtless tended to sour its objects, and, in their avowed principles of conduct, they sometimes gave too much foundation for such exaggerated charges.

Just after the period at which our history concludes, in the year 1747, the Associate Synod had accomplished a severance into two bodies, having to each other an irreconcilable enmity, called Burghers and Anti-burghers. Their conflict arose out of an oath appointed as a criterion of burghership in the towns of Edinburgh, Glasgow, and Perth. During the present generation the bulk of all the Secessions from the Presbyterian Establishment have been reunited in the powerful and respectable "United Presbyterian Church." But the early history of these bodies justified the belief that Presbyterianism was breaking up into countless schisms. Each of the two branches of the Secession split on a second dispute, so that there came to be four bodies, each the only true Church—namely, 1st, The New Light Burghers; 2d, The New Light Anti-burghers; 3d, The Old Light Burghers; 4th, The Old Light Anti-burghers.

A new race, however, counting among them many eminent men, evidently felt the painful position of adhering, in days of advancing toleration, to standards embodying in their sternest form the religious domination of the seventeenth century. They conceived the bold design of disconnecting themselves from the whole machinery of intolerance, by applying their standards to spiritual matters solely, and denying the right of the Church to be connected, whether by giving or taking, with the State. Thus, the Covenant might denounce Episcopacy and Independency as it willed—it could speak daggers, but use none. Their doctrine took the carnal weapon out of the persecutor's hands, and left him only the spiritual. The cleansing of a Church from all the vile old armoury of intolerance was never more beautifully and simply accomplished than by the promulgators of that "new light" which is

now the prevalent principle among the followers of the Secession.

Another sect protested against the intolerant spirit of the Covenant. Their founder was John Glass. He was a man of peculiar and remarkable abilities, but they had not that conformity with the tone and tendency of the popular mind necessary in the founder of a great sect, or the leader of a large religious body. While the Seceders began by the adoption and fervid support of the Covenant, and managed adroitly to cast off its intolerances, Glass at once roused angry defiance in every quarter, by denouncing that great national testimony as intolerant, tyrannical, and unchristian. One who commenced his exhortations in this spirit, could not acquire many auditors, whatever conclusions he might finally lead them to. He entered on many subtle matters of doctrine, which, unsuited for consideration here, will be found amply discussed in a multitude of contemporary pamphlets. But in his opinions, so far as they related to the tendency of the Covenant, the principles of toleration were announced with remarkable clearness and decision. The small sect founded by him—called Glassites, and sometimes Sandemanians, after the name of an eminent member of their body—exists to this day.

The Glassites differed from the other sects separating themselves from the Established Church, in adopting a peculiar and distinct method of service, or of devotion in their Sunday assemblages. In the other secessions there was a rigid observance of the usages of the body whence they severed themselves; and through all—the Establishment and its Seceding companions—there was something like a competition in the preservation of the primitive purity of the worship. Its principles were the repudiation of liturgical forms, of kneeling at prayer, and of instrumental music. Just within the period of this history, an addition was made to the department of vocal praise in the preparation of ‘Translations and Paraphrases of several passages of Sacred Scripture.’ The first collection of these was made in 1745. It was not then enjoined for use in churches, but it was printed for distribution, and

came into use chiefly in domestic worship. It is stated that "of these, nineteen were by Dr Watts ; three by Blair, the author of 'The Grave;' three by William Robertson, minister of Greyfriars', and father of the historian ; two by Dr Doddridge, and one by Mr Randall of Stirling."<sup>1</sup> It was set forth in the printed copies of this collection, that "the committee who prepared them chiefly aimed at having the sense of Scripture expressed in easy verse, such as might be fitted to raise devotion, might be intelligible to all, and might rise above contempt from persons of better taste."<sup>2</sup>

During the course of these Presbyterian discussions, the Episcopal Church, within its narrowed limits, had a history as eventful, and as productive of contest and passion, as it had ever known in its day of power and splendour. The same Act of 1719, which removed the logical contradiction offensive to the Established clergy in the qualifying oaths, provided more effectual tests for the detection of the unqualified performers of liturgical service. That criterion of publicly officiating which rendered qualifying necessary, was defined as the presence of nine persons, besides the family in whose house the service might be administered. The penalty for failure to pray for the king, and for officiating without qualifying, was six months' imprisonment ; and the meeting-house where the transgression occurred, required to be closed for six months.<sup>3</sup> The few loyalists who adhered to the Episcopalian system had separate meeting-houses of their own, where qualified clergymen officiated. These ministers generally had their orders from England, and were denounced as irreclaimable schismatics by the Scots nonjuring Episcopal

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<sup>1</sup> Cunningham's History of the Church of Scotland, ii. 596.

<sup>2</sup> The original collection was afterwards revised and enlarged. In this shape it was authorised for use in churches in 1781. In the revisions great alterations are made, and some would be inclined to question whether the simplicity announced in the character of the originals was preserved. I had great difficulty in obtaining a copy of the original Paraphrases. This was probably not so much because the book is rare, as because it is not known to the dealers who supply collectors.

<sup>3</sup> 5 Geo. I., c. 28.

Church, which, both in its collective capacity and the individual exertions of its members, was entirely devoted to the cause of the exiled house.

It was both difficult and perilous for such a body to preserve the dignities and formalities of a hierarchy. As the bishops, who were men advanced in life at the Revolution, died away one by one, there was a melancholy feeling among the votaries of apostolical descent, that the succession, dwindling by degrees away, would cease in the committal to the grave of the last of the obscurely-living old men who had worn the Scots mitre. Alexander Rose, the Bishop of Edinburgh, a man of quietness and sense, who seems to have tried to stem the zeal of his brethren and followers, was the last survivor. On his death in 1720, forty-eight clergymen of his diocese assembled to consider what line of conduct should be followed, and, as some said, to arrange the election of a bishop. At their meeting, three brethren came forward, named Falconar, Miller, and Irvine, who revealed themselves as consecrated bishops, stating that they had been canonically elevated to that rank, for the purpose of preserving the succession of bishops; but that they professed not to have any dioceses assigned them, or to possess any local jurisdiction.

Their pretensions were, in the end, admitted, but were by no means cordially received. On the remnants of the established hierarchy the untitled clergy looked with respect; but it became extremely difficult to reconcile them in any shape to the elevation of members of their own obscure body over the others. There certainly never was a time in the history of the greatness of Episcopacy when its honours were more eagerly sought and contested,—yet the dignitaries could enjoy their rank only in secret and restrained homage. They were often ill provided with food and raiment; and we find the annalist Lockhart discussing the practicability of securing a hundred a-year, to enable one of them to live and officiate in Edinburgh.

Conspicuous among the laymen who went deep into their ecclesiastical disputes, was this restless Lockhart. Along with the other Jacobite gentlemen who aided him,

he can hardly have failed to make the clergy feel his influence, since he wielded the opinions, and in some measure the intentions, of those from whom they obtained their scanty bread. It was his design to make the bishops a spiritual committee to act for the exiled house, along with the temporal committee which he had created with the title of the King's Trustees. To accomplish this, the bishops were not to have dioceses assigned to them, but were to act in a College, with deliberative power—an arrangement which its opponents compared to a Calvinistic Presbytery. It was essential to the plan that the College should be entirely subject to the royal prerogative, as the Scots bishops had been during the reigns of the later Stewarts; and that in matters which could not wait for royal sanction from distant Italy, the Trustees should interpose.

But there arose an element of disturbance in this arrangement, exceedingly provoking to the politicians. Dr James Gadderer claimed, through vicarious authority, sanctioned by his presbyters, the power and privileges of Bishop of Aberdeen—a diocese well worthy of special selection and appropriation, as it contained many powerful Episcopalian landed gentlemen, and a considerable remnant of that Church among the people, and thus afforded maintenance and authority of a higher kind than the southern sees. Gadderer, who was consecrated in London, represented not so much the Nonjurors of Scotland as those of England. The ecclesiastical Nonjurors of the two countries were totally different in character. Those of Scotland represented the hierarchy which had abetted and acknowledged the monarch's absolute authority over all persons, ecclesiastical and lay, when King James was at the utmost stretch of his arbitrary authority. The English Nonjurors represented the seven bishops committed to the Tower for refusal to comply with a requisition which would not have drawn a murmur from the obsequious Scots hierarchy. The Nonjurancy of the Scots Episcopalians was solely a preference of allegiance to the exiled house; while that of the English came nearer to the spirit of the Presbyterian Nonjurors in the assertion of the Church's spiritual independence.

It is not inconsistent with their resistance of the Popish king, to find that they were given to resuscitate the usages and opinions which, as drawn from the earlier history of the Church, are apt to be counted Romish. If they went along with their Roman Catholic brethren in these things it was not under the same leadership, and neither subjected them to the ecclesiastical head of the Romanists in Italy, nor, in spiritual matters, to the despotic king who had adopted Romanism in England.

Saturated with the opinions of this body, and naturally of a restless and by no means yielding temper, Bishop Gadderer speedily created a deadly war in the little cluster of impoverished prelates. He set up two standards,—the one of spiritual independence, with self-action in the Church for filling the Episcopal sees by election—the other, of certain “usages” obtained as he said from the primitive fathers, but alien and offensive to many Episcopalian worshippers in Scotland, as they were to those of England generally.

Whatever disposition had been shown by the nonjuring Episcopal Church to tamper with the English Prayer-Book appears to have been fostered by Gadderer. It was natural, perhaps, for clergymen to set some mark on their form of worship to distinguish it from that of their enemies ; but after Jacobitism had been dead and buried, these liturgical disputes lived in a bitter controversy down to our own day.<sup>1</sup> That the Nonjurors as a body had adopted Laud’s Liturgy as the foundation of their own, is matter

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<sup>1</sup> See ‘The Authority and Use of the Scottish Communion Office Vindicated,’ by the Rev. P. Cheyne, incumbent of St John’s Chapel, Aberdeen ; and ‘Historical Sketch of Episcopacy in Scotland,’ by the Rev. D. T. K. Drummond ; and still more fully ‘The Life and times of Patrick Torry, D.D., Bishop of St Andrews, Dunkeld, and Dunblane, with an Appendix on the Scottish Liturgy,’ edited by the Rev. J. M. Neale, M.A., Warden of Sackville College. Whoever is partial to the rather bewildering study of minute differences in devotional forms, will find the way cleared for him in the Appendix to this book, by a tabular comparative analysis under four heads, of which the editor gives the following description : “The Scotch liturgy” “is partly derived from the communion office authorised by Charles I., and partly from that of the Nonjurors, both of which in their turn were taken in part from the first Prayer-Book of Edward VI. ; and the

rather of inference than of fact. But it is very distinct that Gadderer brought with him a series of primitive "usages," which went far beyond the principles and habits of his brethren, and were received by them with hostility.<sup>1</sup> Lockhart and the other politicians, who would not have troubled themselves about usages, found their dearest interests involved in the question, because it became the main element in a deadly quarrel between the two parties. The College issued a gentle remonstrance and injunction against the usages. It was addressed "unto the Episcopal Church of Scotland;" whence it was derisively demanded from the other side, if there was any other Church not Episcopal, and if they intended to acknowledge the Presbyterian conventicles as a Church?<sup>2</sup> Gadderer, with his friends and allies, among whom were the clergy of his diocese, denounced the college of bishops as an uncanonical body, with no distinct synodical authority, in Erastian dependence on the civil power of "the Crown," and existing

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latter incorporated with this a nearly verbal translation of some passages from the ancient Greek liturgies."

"In the following pages Laud's Prayer-Book occupies the first column; that of the Nonjurors the second; the received Scotch form the third; and the fourth is appropriated to Bishop Torry's edition of the last-named liturgy."—App. 389.

<sup>1</sup> The principal usages are thus described from authority: "1. Mixing water with the wine; 2. Commemorating the faithful departed at the altar; 3. Consecrating the elements by an express invocation; and 4. Using the oblatory prayer before distribution."—Skinner's Ecclesiastical History, ii. 623. An anonymous writer on the College side of the question gives this curious account of the ulterior views of the Usagers: "There were certain persons in our neighbouring nation, who endeavoured to revive, some time before this, some ancient usages or customs which obtained in the primitive Church,—such as mixing water with the wine in the holy Eucharist, prayers for the dead, and chrism in the baptism and confirmation. And to such a length they went, that they must strike out the Decalogue out of the liturgy for the fourth commandment, which was Jewish, and in place of it, use that summary of the moral law delivered by our Lord—'Thou shalt love the Lord thy God with all thy heart, with all thy soul, with all thy mind, and with all thy strength, and thy neighbour as thyself.'"—Some short Memoirs of the Affairs of the Episcopal Church of Scotland since the death of Queen Anne.—MS. Advocates' Library, 13, 2, 11—formerly in possession of Lord Hailes.

<sup>2</sup> Stephen's History of the Church of Scotland, iv. 187.



for no other purpose than as a group of political tools. The College retaliated by denying Gadderer's Episcopal authority, as he was only the vicar of one who had been elected by the presbyters of a diocese, and whatever Episcopal rank he might have derived from another Church, he held none in his own, since he was neither authorised by the bishops nor by "the king." The dispute, though only occasional outbreaks are found in the pages of Lockhart and contemporary pamphlets, appears to have been extremely bitter, and epithets of "pope" and "cardinal" were exchanged, along with charges of heresy in many forms. "Both the contending parties," says Lockhart, "pretended they were in the right, and did desire to promote unity and peace, provided their opponents would knock under."<sup>1</sup> Gadderer was cited to appear before "the College," but treated the command with due contempt. They heard that he was making arrangements for consecrating new bishops on his own system of clerical independence; and as his friends in London had even indulged in proposals for a union with the Eastern Church, it was difficult to say how far he might undermine and outrage the loyal principles of the Scots hierarchy.

The College, directed by Lockhart and his politicians, appealed to their king. They were afraid, in their helpless condition, to send a bishop to attack and displace Gadderer in his northern stronghold, among an attached body of diocesan clergy and powerful lay supporters; but they desired royal authority for the consecration of additional bishops from the younger and more adventurous of the clergy, to undertake this task. The attention their appeal received might have shown them how little countenance, as a Protestant clergy, they were likely to receive from the idol of their obedience, should he be restored. He evidently could not descend from the elevations of his own Papal bigotry, to look at the nature of the dispute. He coldly complimented them on their dutiful devotedness to his cause—warned them that dissensions would be detrimental both to their own body and to his interests

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<sup>1</sup> Lockhart Papers, ii. 112.

—recommended them to be prudent and peaceful—and reminded them of the many assurances they had received from him of favour and protection.<sup>1</sup>

The College offered its submissive duty. These communings, contemporary with the interference of the Government to terminate the active existence of the English Convocation at the very climax of the stirring Bangorian controversy, made the other party more jealous of their independence. It would afford only a piece of tiresome reading to unwind the particulars of every battle-field in this minute but bitter war. The brief description of one meeting by the historian of the affair may stand as a type of the whole. "I cannot express the disorder there was at this meeting, for there was little reasoning on the matter, most of the discourses being invectives and unmannerly reflections against Gadderer, who being, on the other hand, as obstinate as a mule, nothing to purpose would have attended this conference had not the noblemen above mentioned interposed, and by their solid reason and authority adjusted matters in the manner I have briefly related."<sup>2</sup> While the College party consecrated bishops from time to time, the opposition consecrated bishops also, each trying to prevent the other from outnumbering it, until, when there came to be six on either side, and each saw that the other would keep up with it, the race of consecrations ceased by mutual consent. They carried on a war of pamphlets and protests accompanied by attempts to unseat each other from their dignities, and Lockhart talked of the meetings which they held in the vain hope of bringing each other to reason as "hurly-burlies."

The independent party, however, into which that of the Usagers had merged, were gradually rising above the College party, whose resources were affected, and their ardour damped, by two causes of discouragement—the departure of Lockhart to seek safety on the Continent, and that increased vigilance of the Government in detect-

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<sup>1</sup> See the letter, Lockhart Papers, ii. 113.

<sup>2</sup> Lockhart Papers, ii. 124.

ing correspondence with the Court of Albano, which had rendered his departure necessary. There was a difference in the social rank of the parties which must of itself have led to the fall of the College party when deprived of adventitious aid. It was necessary, from the extreme poverty of the Church, to find for bishops those whose fortune and connection gave them independent means of support, or to seek them among people who made their bread otherwise, and accepted of the dignity with the scantiest support. The College party were supplied, in a great measure, by men in such subordinate positions, and one of their bishops was a tradesman in a secondary town. On the other hand, the diocesans counted a near relation of the Duke of Argyle; while Bishop Keith, who acquired celebrity as an annalist, belonged to the Earl Marischal's family, and Rattray was a worshipful Perthshire laird.

Twice in the course of these disputes the term of solemn adjustment applied to the contests that have shaken Europe is applied. There were two "Concordates," productive of effects much at variance with the name. In the second there was a condition that the parties to it were not to "disturb the peace of the Church by introducing into the public worship any of the ancient usages concerning which there has been lately a difference among us." There was a brilliant instance of casuistry either in the preparation or the interpretation of this clause; for while the primitive party found that it prevented them from bringing in new usages, they held that it did not exclude them from following those which had been already adopted.<sup>1</sup>

Bishop Gadderer died at Aberdeen in 1733. The great feud about the usages virtually departed with him. His system had achieved the preponderance; but, supported by successors less vehement and restless, it was modified so as to avoid instead of courting conflict. As the

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<sup>1</sup> "They excused themselves upon this remarkable knack, that they shall not introduce any of the ancient usages into the public worship of God, for that they are already introduced."—Letter from Bishop Freebairn, cited in Stephen's *History of the Church of Scotland*, iv. 264.

members of the College died off, no successors to them were appointed. On the death of Ochterlony, the last of the six College bishops, in 1742, the latest vestige of the great feud was gone; but, in the mean time, a fresh crop of disputes of a personal and local kind had arisen. They were not the less acrid that they grew out of questions which have neither sufficient distinctness nor importance to be resuscitated, even if their true history could be specifically ascertained. If they had any general tendency, it was in jealousy by the inferior clergy of the power and authority of the bishops, who, assembling in synod in 1743, adopted a code of sixteen canons, a measure denounced by the Edinburgh portion of the clergy as beyond the authority of the bishops without representative concurrence from the other orders of the Church.<sup>1</sup>

In the interval between the Rebellions the Episcopalian Nonjurors were not hard pressed by the Government, though the key to all the ciphers used in correspondence with the exiled house was in the hands of the executive, and few of the letters emphatically describing their animosities escaped perusal on the way. It was the policy of Walpole's Government to lie in wait for an enemy rather than to seek him out. The Establishment, after they had themselves got clear of difficulties from the abjuration oath on the ascendancy of the Argyle family, memorialised the Government to prosecute disqualified Episcopal clergymen; but Lord Ilay answered, that the Episcopal Church was so busily employed in self-destruction that it would be a pity to interfere with it.

In the Rebellion of 1745 the Scots Episcopal Church came forth again so flagrantly in support of the deposed house of Stewart, that severe restraints could no longer be avoided. It is only to be regretted that the Government did not endeavour to exact political loyalty, without interfering with ecclesiastical arrangements, deemed

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<sup>1</sup> See Lawson's History of the Episcopal Church, 283. There are several documents on this subject in a "Collection of Papers on Disputes of the Episcopal Clergy," MS. Adv. Lib., 29, 3, 7.

essential to the true exercise of religious faith, and hence among the things which conscience could not yield up to power. New Acts of Parliament were passed for rendering the prohibitions against the public ministration of unqualified clergymen more rigid and effective. It was only carrying out the legitimate purposes of the Act to reduce the number whose presence created publicity, from eleven to five. But a comprehensive clause required that the letters of orders admitting clergymen to be qualified by taking the oaths, must be from bishops of the Church of England and Ireland only. The object of this provision was avowedly to extinguish the Scots Episcopal Church. Perhaps it offered the Episcopalians of Scotland a better hierarchy; but these are not gifts which people who have deeply-founded religious opinions readily accept. It was a portion of their religious belief that their own Church was the true Church of their own country, and since they could not earn for it peace and prosperity, they must be content to follow it in humility and suffering. For several years they were subjected to an oppression, which, if not sanguinary or cruel, was closely coercive. At length, with many other Jacobites, they sought and found relief in the death of Prince Charles, and the retirement of his brother, by pretending to believe that George III. was the next representative of the house of Stewart.

While the correspondence with the Jacobite Court has afforded an ample record of the condition and conduct of the Episcopal Church which adopted the course of legitimacy, the usual voices of history are silent about that Church with which the Stewart dynasty was more closely allied by unwavering and fanatical devotion. In the south of Scotland, the strict laws against every symptom of Popish worship were known to be in hands prepared so rigidly to enforce them, that only on very rare occasions did the adherents of Romanism venture to provoke them. But we have seen how that Church, in its great central power and abundant machinery for local agency, has the means of hiding itself in times of peril, and coming forth

in full strength and complete clerical equipment when the opportunity occurs.<sup>1</sup>

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<sup>1</sup> In the industrious work called 'Collections towards illustrating the Biography of the Scotch, English, and Irish members of the Society of Jesus,' by the Rev. Dr Oliver, St Nicholas Priory, Exeter, there are many notices of Jesuit missionaries who appear to have served in Scotland in the early part of the eighteenth century. It is observable, however, that Oliver can seldom trace any particulars of their history, when so occupied, on account of the profound secrecy of their motions. He says,—“At the suppression of the Society in 1773, there were but seven Jesuit missionaries in Scotland; but for a long time previous to that event, members of the order had served Kirconnel, Terregles, and Munshes, in the south; and Braemar, Glen Gairn, Glen Tanar, Buchan, and Strathglass, in the north. The superior and his socius resided at Edinburgh, and another father at Aberdeen.”—P. 21.

Any one ambitious of carrying such inquiries farther, might find an opportunity for the expenditure of a good deal of research in the volumes of Jacobite correspondence lately acquired by the British Museum, and especially in the Gualterio collection. The Chevalier kept an ambassador or agent at the Court of Rome to transact “*negotia nostra et subditorum nostrorum*.” On the 26th of December 1711, Cardinal Gualterio succeeded Cardinal Caprero in this office. The following specimen of this peculiar diplomacy reveals a style of humble deference curiously in contrast with the communications of the Stewart kings to the Protestant Churches of their kingdoms. It is a recommendation by the Chevalier of a certain John Wallace to be coadjutor bishop:—

“Mon Cousin,—J’ay reçu une lettre de M<sup>r</sup> l’Evêque Gordon, Vicaire Apostolique d’Ecosse, dans laquelle il m’informe, qu’il vous a recommandé un tres-digne sujet, le Sieur Jean Wallace, Prêtre et ancien Missionnaire en Ecosse, pour être son coadjuteur, en cas que SS juge à propos de lui accorder cette consolation, et cet aide, dont il croit avoir besoin, pour soutenir le grand fardeau dont il est chargé. Et comme je suis convaincu que l’Evêque est le meilleur juge de la dignité et de la capacité des ouvriers apostoliques que travaillent sous lui, et qu’il n’a rien plus en vue que la gloire de Dieu, et l’avantage de la mission qui lui est confiée, je crois pouvoir concourir toujours en toute seureté, avec lui dans tout ce qu’il propose à cet égar.”

All this and much more is preliminary to the ceremonial proceedings, and merely solicits the good offices of the agent or “protector” to join him in an application to His Holiness and the Congregation of the Propaganda, with a reliance on the protector’s zeal, “pour cette pauvre mission d’Ecosse.” Wallace, he says, is personally known to him, “pour un tres-pieux Prêtre, également humble et scavant, et contre qu’il ne peut pas y avoir la moindre exception, par ruppert à la saine doctrine, la capacité ou les bonnes mœurs.”—Gualterio Papera, Mus. Brit., 20, 292, paper 222.

But if in the south there were but occasional mysterious alarms about the lurking presence of Popery, there was the certainty that many Popish priests lived and performed their functions in the remote Western Highlands, and among the northern lairds. In some places they were protected by the inaccessible remoteness of the territory—in others by the feudal power of the local aristocracy. If we may believe the local historian of Moray, there was an inaccessible college of priests, living like a band of robbers, in the wilds of Glenlivet. The powerful house of Gordon was known to afford a ready shelter to the hunted priesthood; and offensive rumours passed southwards telling how seminary mass-mongers, when near the shelter of such powerful roofs, came forth into the face of day, scandalising zealous men by the external symbols of their order. But when it was whispered that the Duchess of Gordon, audacious in the impunity of her northern fortalice, had mass celebrated in her lodgings in the Canongate, the bailie of that suburb, with a force from the city-guard, broke into the dwelling on a Sunday, and apprehended a priest clothed in his canonical vestments.<sup>1</sup>

To balance, in some measure, these causes of disquietude, the Establishment had to rejoice from time to time in the progress of reformation in several districts of the west. The Society in Scotland for Propagating Christian Knowledge, co-operating with the Church, and laying a foundation in education, carried into many communities, which previously were rather heathen than Romish, the influence of the Established Church, and raised up a class of people who became signally devoted to Presbyterianism in its most rigid shape. It was only, however, when the chiefs or the gentry were favourable to their cause, that they could accomplish their mission. The Romish clergy had a free field in the domains of those potentates devoted to their Church; and thus it

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<sup>1</sup> Arnot's *Criminal Trials*, 378. "Mr John Wallace for saying of mass, being habit and repute a Popish priest, and refusing to take the formula." He appears to have been the man recommended as a coadjutor.

happened that the territory inhabited by the western Celts was portioned off, like a checkboard, into districts where the two extremes of antagonism in the Christian Church alternately predominated. In both, however, the people were distinguished from the Lowlanders by a more thorough passive obedience to clerical authority. They stood thus in utter contrast with their Cameronian neighbours, and differed from the rest of the Presbyterian body, who were ever jealous of entire clerical rule, however ready to co-operate with it. Thus, in the Romish districts, the priest, dividing the dominion with the chief, was absolute in the spiritual department ; and in the Protestant districts, the minister or missionary might have the like authority, unless he were superseded by the species of Protestant friars afterwards called "the Men," who met the craving of these Highlanders for spiritual leadership with a bolder and more authoritative control than the opinions and habits of an educated Protestant clergyman permitted him to assert.



## CHAPTER XCII.

## THE INSURRECTION OF 1745-46.

THE POLITICAL SITUATION—FAILURE OF THE FRENCH EXPEDITION—PRINCE CHARLES—THE ARRIVAL AT ERISKAY—THE RAISING OF THE STANDARD—THE GATHERING—CROSSING THE HIGHLAND LINE—COPE IN THE NORTH—THE MARCH ACROSS THE FORTH—CAPTURE OF EDINBURGH—BATTLE OF PRESTONPANS—HOLYROOD—MARCH INTO ENGLAND—RETREAT FROM DERBY—CUMBERLAND IN PURSUIT—AFFAIR AT CLIFTON—OCCUPATION OF GLASGOW—BATTLE OF FALKIRK—RETREAT TO THE NORTH—LORD LOUDON AND PRESIDENT FORBES—LOVAT—BATTLE OF CULLODEN—DISPERSAL—QUESTION OF THE EXTENT OF THE CRUELITIES—THE PRINCE'S WANDERINGS AND ESCAPE—THE REMEDIAL MEASURES—PURCHASE OF THE HEREDITARY JURISDICTIONS.

ON the 2d of August 1745, Duncan Forbes, the Lord President of the Court of Session, wrote to Mr Pelham, then Prime Minister, telling him that, "in a state of profound tranquillity," alarming rumours had passed over the land, and "particularly of a visit which the Pretender's eldest son is about to make to us, if he has not already made it." These words aptly express the situation. The "profound tranquillity" had succeeded a period of well-founded apprehension of war and invasion. In 1744, the French Government were to attempt the restoration of the house of Stewart by a descent on the coast of fifteen thousand men, led by the illustrious Marischal Saxe. Prince Charles Edward Stewart, who had reached Paris on the 20th January, sailed with the expedition in the same vessel with its commander. The transport fleet was partly broken up by storms, and partly dispersed or captured by Sir John Norris. The French Government

abandoned the project, finding a more hopeful field of warlike enterprise in Germany and Flanders.

So all seemed over ; and British statesmen, relieved, felt that the country was in easy security. So far as the absolute safety of the parliamentary settlement of the throne and the constitution was concerned, the statesmen were right. Mere mischief they did not contemplate, and did not prepare to meet. Of the elements whence such mischief could be worked they were unaware, and it was only when too late to obviate great calamities that these were seen.

The claims of the house of Stewart were never forgotten by France as an element of strength in any quarrel with Britain. To keep it alive, French statesmen assisted the priesthood in fostering belief in the divine law of lineal descent as destined ever to prevail. It was the doctrine of the house of Bourbon ; and it was in many ways expedient to the house of Bourbon that it should be a creed of the house of Stewart. It was imbibed in all its purity by young Charles Edward. He believed that if he could but set his foot on British soil, he would stand there as Prince of Wales and heir to the throne. It happened that in the part of the country where landing was safe to him, there lived a peculiar people prepared to give practical support to his creed. The Highlanders, feeling, as we have seen, the pressure of Saxon order and industrial civilisation, were ready to rise against the Government. They were armed and trained in their peculiar mode of warfare. The chiefs, who made common cause with them against the Saxon rule, were not only their patriarchs and commanders by Highland sentiment and tradition, but had their hands effectively strengthened for despotic government over their followers by the feudal jurisdiction abolished after the mischief had been done. Here were at hand the elements, here were the materials, of an insurrectionary centre ; around it might gather whatever elements of Jacobitism and discontent existed elsewhere.

To the Prince, whose suspicious birth accelerated if it did not cause the Revolution, there were born two sons : the elder, Charles Edward Louis Casimir, was born at

Rome on the 31st of December 1720, and so was twenty-four years old when his adventurous career began. When the fragments of Saxe's expedition returned to France, he dropped, from a prince escorted to his father's dominions by an avenging army, to be a lurking fugitive. When he was no longer to be used as an effective force in war, to treat him as a prince would have been an act of gratuitous hostility that might occasion serious reprisals; and as he remained in Paris, determined if possible to find his way to the Highlands, he had to live in secrecy and disguise.

When the Prince was expected as the companion of an invading host, estimated at twenty thousand men, it was a time for the Jacobites of Scotland generally—Highland and Lowland—to discuss the matter and adopt a policy.

In 1742 they sent an ambassador—Drummond of Balhaldie—with an account of the strength of the party in Scotland, and a commission to represent their views and wishes, both to their "King" and Cardinal Fleury. John Murray of Broughton, infamous as the betrayer of his fellow-insurrectionists, appears to have taken the management of the arrangements into his skilful hands; and what is now known regarding them is chiefly to be found in his evidence against Lovat. He professed that he endeavoured to dissuade the Prince from his rash project. This is contradicted both by the testimony of the more honest victims of the affair, and by the events. Yet there may have been a shade of truth in this plea. He had pushed himself so far in the front when the expedition was to be a great European game for a kingdom, that he could not fall back when it had shrank to what it became, and when it went he must needs go with it. When the Prince had resolved to sail, Murray was sent to intimate the event to the Scots Jacobites. He found even the most ardent of them appalled by the news, and they made an effectual attempt to get Murray to watch his arrival and send him back.

The Prince succeeded in borrowing about a hundred and eighty thousand livres—a sum between seven and

eight thousand pounds. He seemed fortunate in securing the co-operation of a privateer vessel, the *Elizabeth*, commissioned to cruise in the Scots seas—the property, apparently, of British refugees. He accompanied this vessel in a small armed fast-sailing brig, named the *Doutelle*. The arms which his small funds enabled him to embark, amounted to 1500 firelocks and 1800 broadswords; but he was destined to land only a small portion of them in his kingdom. After many difficult and complicated arrangements, he embarked, on the 22d of June,<sup>1</sup> at St Nizaire, on the Loire, with his little band of followers. These numbered seven,—the titular Duke of Athole, commonly known as Tullibardine, from the title enjoyed by him when he was implicated in the previous Rebellion; Æneas MacDonald, brother of the Laird of Kinloch-Moidart; Sir Thomas Sheridan, the Prince's Irish tutor; Sir John MacDonald; O'Sullivan, an Irish refugee; Mr Kelly, an English clergyman, involved in the affair of Atterbury; and Francis Strickland, an English Jacobite squire. The voyage was a tedious and of course an anxious one. On the 9th of July the two vessels were sighted near the Lizard Point by the *Lion* man-of-war, under Captain Brett, a tried commander. He of course at once gave battle, though against great inequality of metal, for he had but fifty-eight guns, while the larger Frenchman carried sixty-seven. After a tough fight both vessels required to return to home ports. The *Doutelle* took immediate advantage of her sailing powers, and got clear off. It was on the 23d that the Prince and his followers were landed at the remote island of Eriskay, between Barra and South Uist.<sup>2</sup>

Spots more dreary or disheartening than these small western isles, it seldom falls to the lot of man to see.

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<sup>1</sup> Second of July in modern style.

<sup>2</sup> Sir Æneas MacDonald's Narrative—Jacobite Memoirs, 8. According to this account, the English vessel must have been the first to depart, as it appears that the *Doutelle* sailed round the *Elizabeth*, so that the two commanders conferred together on their next course. The commander of the *Elizabeth* desired to proceed; but the other recommended him to put back.

The first few hours after the Prince's landing were passed in drizzling, drenching rain, and the whole party had to seek refuge in the house of the tacksman or chief man of the district. It was larger than the hovels of the common people, but enjoyed their common peculiarity of retaining the peat-smoke circling through it as a phenomenon necessary to warmth. Occasionally gasping for breath within, he refreshed himself by standing outside in the drizzling rain.<sup>1</sup> So passed hour after hour, without the approach of a visitor, or any other incident to vary the scene. One in such utter contrast with sunny Italy and her smokeless marble mansions, it would be scarcely possible to conceive; and in that relying fatalism that led him on, we must find the resources which made the Prince contented, good-humoured, and hopeful, in the Eriskay hovel.

Matters did not cheer up as time passed. Some of the neighbouring gentlemen were sent for, but did not appear: they were accidentally from home, or suspected something in the nature of the message—for purposeless strangers were not accustomed to land at Eriskay. The first person who obeyed the summons was Alexander MacDonald of Boisdale, brother of the chief of Clanranald. He at once frankly condemned the project as impracticable, and advised an immediate return. The Prince answered with that hopeful fatalism which was proof against all such petty discouragements, that he would rely on the fidelity of his Highlanders. He was desired to mention any chiefs of note whom he believed to be in his interest. He named Sir Alexander MacDonald of Sleat, and the Laird of MacLeod, the two chiefs who reigned in Skye; but Boisdale, with something like a sneer, assured him that, to his certain knowledge, if these potentates acted, it would be on the other side. But in MacDonald's instance it was easily ascertainable; he was near at hand, and might be sent for.

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<sup>1</sup> Angus MacDonald, the owner of the house, is said to have grumbled out (in Gaelic, it is to be presumed), "What a plague is the matter with that fellow, that he can neither sit nor stand still, and neither keep within nor without doors."—*Jacobite Memoirs*, II.

The landing in the island of Eriskay had been rendered necessary by an appearance of suspicious sails. After a time it was deemed safe to return to the more comfortable quarters in the *Doutelle*, and steer for the mainland of the Highlands. Anchoring in a small loch called Na Nuagh, the Prince was told that he was within easy reach of the garrison of Fort William—but he relied on destiny, not information; so he smiled, and said it was of no moment. He had not yet enlisted a single man—had no more following than the seven originally brought over, yet he was as confident as when afterwards he glittered in Holyrood Palace. Even on Boisdale, who accompanied him, he continued to pour his eloquence in vain. The obdurate Highlander at last took boat and left him, baffled in his first attempt to win a follower. The next was scarcely more promising. On the deck of the *Doutelle*, in an awning with a becoming repast spread beneath it, he received young Clanranald himself, believed to be thoroughly devoted to him. Yet this reputed Jacobite professed himself bluntly against the project as preposterous, and he was joined by his influential friend MacDonald of Kinloch-Moidart, then present. The Prince appears to have been entirely undisturbed by their unremitting catalogue of objections. He talked to them with the fluent confidence of one who was entitled to success, and who chose that they should not deprive themselves of the privilege of partaking in it, rather than as one who pleaded for their aid to support a cause which might otherwise fail. He was in the end successful with them, as those who speak from such confident promptings sometimes are. Home tells a little story about the removal of their last scruples, which, if there be any truth in it, is an illustration of the influence of this confident princely manner. A brother of Kinloch-Moidart, Ranald MacDonald, stood by, fully equipped, as the Prince and the two Highland gentlemen walked up and down the pavilion. As he confidently exhorted, and they hesitated, Ranald showed, by his shifting colour and glistening eyes, the intense interest he felt. The Prince turned to him, as if by way of reproach, saying, "Will you not assist me?" He

received an immediate offer of entire devotion, and the deep enthusiasm with which it was pronounced is said to have dissipated the last scruples of the hitherto dubious chiefs.

This was but the acquisition of two men, with a considerable district of mountain possession, and a few hundreds of armed followers ; but it proved afterwards to be the unseen inoculation of the Highlands with a moral epidemic.

The Prince landed in the Clanranald country, and the chief set a portion of his men about him as a body-guard. An attempt was now made to gain over MacDonald of Sleat and the Laird of MacLeod, but these chiefs were still obdurate. It was their good fortune, as the first appealed to, to have taken up this position, for they were perseveringly kept to it by President Forbes, who, learning their prudent decision, thought that no exertion should be spared in supporting it. Had they been appealed to in the flush of the Prince's rising fortunes, they might have been less circumspect ; and so it came to pass that these two island potentates, in the midst of the ruin of their neighbours and relations, handed their estates down to their descendants, who retained them for a century, and until they were doomed to part with them, from causes of a totally different social character, long after Jacobite insurrections had become a thing of history.

The obduracy of these powerful chiefs had its disheartening influence on the two Highlanders who had reluctantly given in their adherence. Even the seven original followers of the Prince, chilled by the physical and moral coldness of everything around them, grew disheartened. Of all the little cluster nestling beneath the grim mountains of Borodale, the Prince alone was full of heart and hope, for he had yet seen nothing to make him doubt his destiny or believe that his star had deserted him. The first of the long-expected gleams of hope that came was a visit from Donald Cameron, generally called young Lochiel. He was a man in middle age ; but, the grandson of that chief whose name occurs in Claverhouse's Highland campaign, he belonged to a race of long livers. Yet

even he, though an old adherent, came to recommend an abandonment of the enterprise. There are dubious little dramatic conditions about the Prince's fascinating appeals to the three now around him—the important fact is that they consented to make the attempt. Messengers were accordingly sent across the mountains to the heads of the various clans expected to co-operate, while the adventurer sailed towards the house of Kinloch-Moidart, where he was joined by Murray his secretary, and thence went to Glenaladale, where he received a recruit of a different kind in old Gordon of Glenbucket, whose last service to the cause had been in vain efforts to prevail on Mar to defend Perth in 1716. It was arranged that the general gathering should be concentrated at Glenfinnan, a narrow valley near the western extremity of Loch Eil. The 19th of August was the day fixed for the momentous ceremony; but the Prince's faith in his destiny was again tried, for when he arrived the glen was silent and deserted, save by the ragged children of the hamlet, who glared with wondering eyes on the mysterious strangers. After some hours thus spent, the welcome sound of a distant bagpipe was heard, and the Camerons, between seven and eight hundred strong, appeared on the sky-line of the hill. Before the group dispersed in the evening, the number assembled amounted to 1500 men. The post of honour on the occasion was given to the old Marquis of Tullibardine, who, like his young master, had come to "regain his own." He was heir to the dukedom of Athole, which he forfeited after the affair of 1715; and his persevering connection with every subsequent Jacobite design rendered his restoration hopeless had he desired it. His father had adopted, at least nominally, the Hanover succession, and as it was of moment to buy the allegiance of a house that could bring 1500 men into the field, the forfeiture was limited to the eldest son, and the second became Duke of Athole. As the old man, supported by two assistants, held the standard, various State papers were proclaimed. The first was a declaration, in the name of James VIII., dated at Rome on the 23d of December 1743, and promising a redress of the grievances under which the nation



groaned from the rule of the usurper. This was followed by a commission to Charles as Prince Regent. In this capacity the Prince next proclaimed an indemnity for all past treasons committed against his house by those who should now take arms to restore him, while he engaged to retain in their several offices those who thenceforth performed their functions in his name, and to pay up arrears to officers of the army and navy joining his banner.

The spot adopted for the gathering was easily accessible to all the garrisons of the Highland forts. It was not above twenty miles distant from Fort William, and almost visible from the ramparts. But when a general gathering in force was intended, the presence of the forts—well adapted, as they were, to keep down petty attempts—was no impediment to it. At the same time, the garrisons were found inefficient for that service on which the Government placed so much reliance—sending warnings of any coming danger. Though able to suppress partial outrages, they were utterly incompetent to fathom the secret operations of their subtle neighbours. From their condition, as an unarmed and docile peasantry, the Highlanders at once metamorphosed themselves into an army; and none were more taken by surprise in this rapid operation, than those who, quartered in the centre of their district, believed that they were acquainted with all their motions and intentions. In fact, it was not until a skirmish occurred on the road between two of the forts, that their commanders appear to have known that they were in the midst of a gathering army. It had been thought expedient to reinforce the garrison of Fort William with two small companies from Perth. After having halted at Fort Augustus, they had proceeded about twenty miles along General Wade's road, when a party of Highlanders were seen in possession of the bridge over the Spean, called by the English engineers who built it, "High Bridge." The party, to whom the phenomenon was totally unexpected, were unable to estimate the numbers in possession of the bridge, who were indeed only some ten or twelve MacDonalds. The commander thought it prudent to draw back his men, who

were raw recruits ; but it was too late—he had brought them into the midst of the gathering. The MacDonalds, scrambling along the steep wooded bank rising from the road, galled the party with their firing as it retreated. Seeing another body approaching in front, the commander turned to find cover in Invergarry Castle ; but here he was rushing into the lion's mouth, for its owner, Glengarry, confronted him with his contribution to the gathering, and the commander was compelled to surrender.

It was on the 2d of August that, as we have seen, Duncan Forbes wrote his letter of apprehension. On the 9th, those who were responsible for the administration of the Government in Scotland had to deal with the fact that "the Pretender's son" had arrived, and was at the head of a Highland army. The few troops in Scotland were under the command of a respectable disciplinarian, Sir John Cope, who, instead of passing to oblivion with the crowd of well-connected men who have risen in their order, and earned the title of distinguished officer on their tombstones, was destined by his ludicrous failure in an emergency to a wide but unenvied notoriety. The whole force in Scotland appears to have been between two and three thousand men, though they were ranked as two regiments of dragoons, two of ordinary foot, and fourteen odd companies. While a portion occupied the Highland forts, the remainder were dispersed through various parts of the Lowlands. When Cope prepared to march northwards, he had but 1400 men at his command, for the dragoons were left behind. To penetrate with such a force a mountain district inhabited by a large body of hostile armed men, seemed a project bordering on insanity ; but the vain expectation was entertained, that the well-affected clans would flock to his standard.

Cope, in fact, was impatient to march and win laurels by the immediate suppression of the revolt. It was not, however, until the 20th of August that he left Stirling on his march northwards. He had only reached Crieff when he found that he was mistaken in his anticipated auxiliaries. He there met the Duke of Athole, and Lord Glenorchy, the son of Lord Breadalbane. Neither of them

could promise effective aid. Whether Athole could have brought out any considerable body of his clan was, indeed, doubtful, for he was deemed a usurper like his king, and probably believed that the clan would follow their old favourite his brother. Cope reached Dalnacardoch, in the solitudes of Drumouchter, on the 25th. Here he obtained information of the quick increase of the enemy from Captain Sweetenham, who, passing alone on the road to Fort William, had been the first captive made by those who were gathering towards the Prince's army, and had been dismissed with one of the manifestoes. At Dalwhinnie the road forks, the left branch taking the zigzag route over the great mountain-chain of Corriaraic, the other less abruptly winding onward to Inverness. It was known that if the ascent of Corriaraic were attempted, the Highlanders would be met there, and the war begun. Cope belonged to a crop of military pedants created by the minute and complicated manual exercise of the age, whose misfortune it was to despise enemies who had not been under the same training. He thought his men were as much above the Highlanders in battle as they unquestionably were on parade. Had he attempted the ascent, it would have shown bad management in the Highlanders to have permitted one man to escape. Hence the first conspicuous service of Wade's military roads, was to enable a Jacobite army to march from the Highlands to the Lowlands without meeting an enemy. With all his confidence, Cope paused in the deep valley below the mountain and hesitated to fight a superior force on such ground. A council of war was held, where a retreat to Perth or Stirling was discussed. The plan adopted was a march to Inverness. Hence the troops went to a place where there was no enemy, and left the valuable low country of Scotland unguarded.

The Prince's army amounted to about 1800 men when he reached Corriaraic. The coll, or summit of the pass, was immediately occupied by an advanced detachment, to hold it until the main body came up. It is said that the Highlanders uttered shouts of exultation when they learned the evasion of Cope. Yet it was the escape of an

enemy certain, if he ascended the hill, to fall into their hands. The question with them was, whether to pursue him or march to the low country ; and they sagaciously took the latter course.

The army, which had begun its march with auguries of success, swelled as it went, receiving Cluny MacPherson and some minor allies. The Duke of Athole fled from his castle at Blair, and it was immediately occupied by Tullibardine, who assumed the title of the head of the house. He issued his commands to the feudatories and tenantry of the estates to rally round his banner ; and when many of them, who were too near the Lowlands to preserve in its purity the creed of old Highland allegiance, demurred to leave their small feus and crofts, with the chance of never returning to them, the new duke threatened them with vengeance for their unnatural disobedience, and directed that military parties might be sent to bring them out, or burn and destroy their houses if they proved obstinate.<sup>1</sup>

On the 4th of September the insurgent army entered Perth, of which they obtained undisputed possession, the chief magistrate retiring from the scene. The Prince occupied the house of Lord Stormont, the elder brother of the rising barrister, William Murray. The family had compromised themselves by acts of partiality to the exiled house, in a manner that enabled Chatham to make his great rival, Mansfield, wince under ominous allusions. But on the present occasion the head of the house prudently absented himself, limiting his services to a hospitable provision for the stranger's entertainment.

The Prince now entered on a totally new field, which his character and attainments appear to have well adapted him to occupy. They were, at all events, very different from those which his father had shown on the same spot

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<sup>1</sup> See many instances in the 'Jacobite Correspondence of the Athole Family.' One emissary says : "I went to Dunkeld, but to no purpose, for I plainly see that the whole inhabitants there are quite degenerate from their ancestors, and not one spark of loyalty among them, and, as the bearer can inform your grace, not one of them will stir without force."—P. 16.

nearly thirty years earlier. He was as remarkable for geniality, condescension, and love of popularity, as his father had been for arid reserve and sluggish passiveness. It was the sunshine instead of the frost of royalty. His popular affability, and partiality for the display of his agreeable person, were more like the characteristics of his father's cousin Monmouth, than those of the legitimate Stewarts. An object, of course, of intense interest wherever he went, the sight-seers, who are the majority of mankind, thronged around him. They were highly gratified by his condescension and brilliant appearance, and his foreign education naturally induced him to mistake the excitement of curiosity, and the superficial satisfaction diffused through a crowd by the contemplation of an agreeable object, for those deeper feelings which, in this country, supply men with the sources of political action. There was a curious and attractive spectacle in so large and well-disciplined a body of the party-coloured mountaineers. It was still more interesting to see the foreign descendant of the ancient kings decorating his person with the mountain garb, so adjusted to the ordinary costume of high rank and decorated with gold lace as it had never before been known to be. But such dramatic superficialities were not calculated to secure the allegiance of the sagacious Scots Lowlanders. Deeply as they might be dissatisfied with England, it was not in the dubious elements of this gaudy apparition of the foreign Popish Prince and his mountain followers, that they were disposed to seek the sources of national regeneration and prosperity. Amid the general clamour and excitement, the men of the Lowlands able to bear arms held doggedly aloof, and the Prince seems never to have had above a thousand of them under his banner. Thus the continued accumulation of his army from the waysides, as he passed along, ceased after he had crossed the Grampians, though still accessions continued to arrive from the Highland clans.

It is said that the Prince had just a guinea in his pocket when he entered Perth. He, of course, speedily obtained an exchequer by levying contributions around. The sum

which he drew from Perth was not oppressively large,—it did not exceed £500. Among the other leaders who joined him at Perth, two were conspicuous men. The one was Drummond, the representative of the Lord Chancellor who was exiled at the Revolution ; the other, Lord George Murray, brother of the two claimants of the dukedom of Athole. Lord George was the ablest leader in that expedition ; and we may count him one of those whose capacity has scarcely received historical justice.

He was forty years old when he joined the insurrection. It is difficult to understand how he acquired his knowledge of military tactics. He addressed himself to the arrangement of their commissariat, studying the habits of the men. Thus he provided meal-pocks for carrying their frugal provisions, while he adjusted an organisation for their movements in clan battalions, such as Claverhouse had adopted in his short Highland campaign. Lord George's capacity in suggestion, and activity in execution, made him for some time the virtual commander-in-chief of the force, though he only held, along with Drummond, the rank of lieutenant-general. We have seen in reference to the career of Montrose and Claverhouse, that the chiefs would not submit to supreme command by one of themselves, and that there were reasons in Highland politics why they should not. Though a member of a great Highland house, the chiefs accepted Murray's command ; but then he was not a chief either by Hanoverian or Jacobite sanction. It was scarcely possible, however, to avoid jealousies and misunderstandings, when the only one capable of entire leadership shared the command of an army with others who were incapable.

The army remained at Perth increasing its force and coming into its peculiar discipline, until the 11th of September, when the march southward was recommenced. Instead of attempting the passage of the Firth of Forth, or of Stirling Bridge commanded by the castle, it took the direction of the fords of Frew, eight miles westward. This was the Rubicon of the expedition, marking it as a struggle for possession of the seat of Government in Scotland. Passing Callander House, near Falkirk, the Prince received his first conspicuous Lowland accession

in Lord Kilmarnock, whose presence was of little service to the cause, and calamitous to himself. He fought under his father's banner for the Hanover succession in 1715, but he was one of those whom poverty and discontent had driven desperate; and the young Prince, with his motley army, opened to him a career of adventures and chances not to be resisted. On the 17th the army reached Corstorphine, four miles from Edinburgh, and it became an immediate question whether the capital was to remain a loyal city or be in the hands of the insurgents.

The inexplicable march of Cope left the country south of the Forth utterly helpless. Gardiner's dragoons were ridiculed as having advanced to dispute the fords of Frew, and ignominiously retreated; but this trifling force, unless it had been led by a commander who desired to see it exterminated, could do nothing but watch the approach of the enemy, and fall back. Cope managed to send a messenger through the Highlands for transports from Leith to receive his troops at Aberdeen; and the citizens of Edinburgh watched the direction of the wind with uneasy anxiety. Already, however, their confidence in Cope's capacity and common-sense had sunk, and he was an object of impatient contempt even before his great disaster.

Nothing in the capital was in readiness to meet an enemy but the castle. It was to the zealous attention of General Wade that Government owed the tenable condition of this fortress; for he mentions that he found the parapet wall so ruinous that the soldiers, after the closing of the gates, could pass out and in with ease; and to try the accessibility of this, the chief national fortress, he got a party of men, with their accoutrements, to scramble from the street up the rock and get within the rampart in five minutes.<sup>1</sup> The fortress had been repaired; but there were other defects in the defensibility of the capital which could not be thus easily remedied.

It became the policy of the existing chief magistrate, named Stewart, to counteract that of the leader of the opposition, who was George Drummond, a zealous loyalist, and one of the most valuable among the many valuable

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<sup>1</sup> Letter to the king, 18th December 1727, MS. Brit. Mus.

municipal chiefs whom Edinburgh has possessed. Provost Stewart discountenanced, and even counteracted, the efforts made by the party of his rival to protect the city, and he incurred suspicions of disaffection which rendered it necessary to bring him to trial for neglect of duty. The real cause of his conduct appears to have been, however, not so much national as corporate factiousness, and a desire not so much to see a Stewart on the throne, as to keep his own particular branch of the family of Stewart at the head of the Edinburgh municipality.

Of the state of Edinburgh at this nervous juncture, there is an abundant account in the long inquiries connected with the provost's trial. In its very confusion it reflects a community organised only for municipal peace, but distracted by internal contest, and paralysed in all attempts to improvise a military organisation in the hour of danger from an invading force. What the citizens required, but had not, were some companies of regular infantry with a few gunners, or a volunteer force in good training and under a competent commander. The efforts to provide any equivalent to these requisites were sadly unavailing. The provost was no soldier: he was nominally the commander of the city-guard, and of the trained-bands, or old burghal force; but it was rather as the person who was to indicate, like a secretary at war, the manner of their employment, than as the leader who was to command on duty. He was to be colonel of the volunteer force if it were raised, in a similar character. When the provost could not effectually act the soldier, people looked equally ineffectually to the chief resident judge of the Court of Session, and to the law-officers of the Crown, as persons who were believed, with their other high functions, to possess a latent military authority and capacity.

The provost appears from the commencement to have had a very ample consciousness of his incapacity to act effectively. Towards the end of August the more zealous citizens had proposed to raise a thousand men as a volunteer corps, to be supported by subscription; but he doubted the constitutional legality of such a body. When this objection was overcome by an authority under the sign-manual, he gave them little encouragement, and hinted



that they would be the cause of more contemptuous jests than valiant deeds. When Drummond proposed the adoption of a badge, he said he feared it would expose them all; to which his zealous rival answered, that when the volunteers had mounted their badge no man should dare to insult it, be his character what it might.

There was a marked zeal among the Seceders to help in the defence of the city, and they embodied 180 men of their own persuasion. The professors of the university, the clergy, and other men of peaceful pursuits, were among the most zealous, and the ministers of Edinburgh offered out of their stipends to provide the pay of 100 men. In all, it appears that, by the middle of September, the number of men available for defence, including contingents from neighbouring towns, was 1118, besides the trained-bands, whom, however, it was deemed imprudent to embody, as they were burgesses not selected on political grounds, and there were disaffected men among them. In the body at large, there appear to have been only 326 trained soldiers, including the town-guard.<sup>1</sup>

The first object of the loyal party was, of course, to make the city walls defensible. This ancient bulwark, even if it had not been commanded by suburban houses, was little better than a high stone fence of rough and frail masonry. It had been effective a century or two earlier in protecting the slumbering citizens from night incursions of the lawless barons with their predatory followers, and in later times had been a barrier against smuggling. But it could have done little to keep a compact body of men from breaking through the enclosure, even though they had not a single field-piece. There was too much truth in the provost's remark when he surveyed the wall, "that if a thousand men had a mind to get into this town, he did not see how he could hinder them."

The celebrated Colin MacLaurin was supposed, from his acquaintance with mathematics, to know more about the Vauban system of fortification than any other citizen. Apparently not indisposed to act as the Archimedes of the siege, he was, rather by acclamation than any regular com-

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<sup>1</sup> See Drummond's Evidence, State Trials, xviii. 964.

mission, appointed superintending engineer of the defences. It does not appear that it would have been practicable to work artillery. On the screen or continuous wall it was avowedly impossible. There were, however, towers which might supply the purposes of flanking bastions at the angles. These appear to have been choked with rubbish ; but when some of them were cleared out, it was found that they had no rampart sufficiently broad for serving guns, and temporary scaffolds were erected for the purpose. MacLaurin complained that the men who should have been employed in restoring the fortifications, were engrossed by a contested election of trades' deacons ; and that he found a dozen or two lounging about, instead of the hundreds that should have been at work. The hopeful manner in which the operations went on may be inferred from a characteristic incident,—that a ditch, ordered to be cut beside the North Loch, in the area of the present Princes Street Gardens, "had been carried on right for some time, but was afterwards, by some mistake or bad advice, cast on the wrong side of the dyke."<sup>1</sup> Some cannon were brought up from Leith and placed on the wall ; but among the negligences attributed to the provost, was his not employing sailors to work them. He seems, indeed, to have thought that naval gunnery on the city walls was something peculiarly incongruous, and calculated to throw ridicule on his magistracy, for he swore very vehemently that no sailors should man the city walls while he ruled. Among other projects, on the discovery of some old hand-grenades in a box in the council-chamber, it was recommended that a portion of the volunteers should forthwith be trained in the exercise of grenade-throwing. Some guns were, however, at last placed on the flanking towers, especially those which commanded the gates, and loaded with grape to rake the approaches ; but it appears that some of them were left there without men who professed to work them, and even without a single sentinel. Such were the preparations in Edinburgh for standing a siege.

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<sup>1</sup> MacLaurin's Diary, cited in Stewart's Trial ; State Trials, xviii. 885.

It was on Sunday the 15th that the first call to arms was made in the most unpropitious of shapes. Edinburgh had from time to time been devastated with great fires, which, once seizing on any of the vast piled-up fabrics in the main streets, would go on devouring them for days, unquenchable until the flames reached a natural barrier by a break in the street. It was the toll of the same fire-bell which used to arouse them to these terrible visitations, that now reached the citizens assembled in their several churches at divine worship. It was found to be a signal for a general muster on the news that the Highland army was near the city. The first question was, Who should command? for no field-officer had been appointed over the volunteers, and they acted in independent companies. Hamilton's dragoons were called up from Leith to join Gardiner's at Corstorphine. It was now a question whether the volunteers, with these regiments, and the small number of regular troops already mentioned—an army of about 1500—should go forth to fight the enemy, rumoured to be 8000 strong. Any military commander, looking, not to the exaggerated rumours, but to the bare facts of the case, would have at once prohibited a movement by a body of raw new levies, had he even directed the dragoons to advance and reconnoitre. In the absence of a proper authority, a portion of the volunteers rashly proposed to march; and it appears to have been because they were in the end dissuaded from that insane movement, that a ludicrous picture has been drawn of their gradual dropping away and final disappearance from the marching party. The town-guard marched with Hamilton's dragoons to Corstorphine, where they joined Gardiner's, and formed a reconnoitring party.

During that night the walls were manned by about 700 men; and the engineer records that the "all's well" made a nearly regular circuit, but no sufficient service seems to have been supplied for the guns at the flanking towers. Next day a writer to the signet, named Alves, brought from the Prince an intimation that his leniency to the town would depend on the abandonment of resistance. The formidable document circulated among groups at the

cross, and a recommendation to surrender, probably suggested by the Jacobites, was supported by a considerable number of citizens. The dragoons had, in the mean time, retired close to the town. They sent a small reconnoitring party to Coltbridge, two miles westward, who, coming unexpectedly on a party of Highlanders, turned and fled with disgraceful precipitancy, bringing of course new terrors to the citizens who saw their flight. At four o'clock in the afternoon, the provost held a meeting of the inhabitants in the High Church, avowedly to consider the question of surrendering. It was called by the tolling of the fire-bell; and as this was the method of assembling the volunteers for service, it was observed that they would be absent from the meeting; and the provost's enemies maintained that it was so planned. The meeting was tumultuous and noisy, and it is said that the only persons who attended with a distinct object were Jacobites. While a confused clatter of tongues went on, the cry of "surrender" predominating over others, there came to be handed about in the meeting, no one knew how, a formal proclamation for surrender from the Prince. This strengthened the hands and the clamour of those advocating a surrender. The provost chose to count it the decision of the meeting, that he should offer terms of capitulation, and he sent a deputation with that view to the Prince. The volunteers and the other corps, in the mean time, retired to their old posts, but even the imperfect directions under which they had acted now ceased. They consulted together, and, seeing that the municipal authorities were determined to submit, the greater part of them resolved to disperse, and delivered their arms into the castle. The deputation sent to treat returned with a demand of unconditional surrender.

In the mean time a rumour came that Cope's transports were at Dunbar, and would presently land his army at Leith. On the foundation of the hopes so raised, another deputation was sent at two o'clock of the morning to ask delay, and returned unsuccessful. Nine hundred men were now detached from the Prince's army, under Lochiel, to blow up one of the gates, and force an entrance. The operation was unnecessary. A small party, stationed with-

out the Nether Bow Port, beheld it deliberately opened to allow exit to the suburb for the hackney-coach which had conveyed the unsuccessful deputation, and finding the gate entirely unprotected, they rushed in. The communication was thus opened. The guards at the gates were quietly relieved by the Highlanders, and the city was in their hands.

Next morning the Prince and the main body of the insurgents, guided behind the rising grounds which surmount Edinburgh so as to be covered from the guns of the castle, reached the open meadows which bring the Palace of Holyrood close on a tract of mountain scenery on the one hand, while on the other it touches a dense suburb of the city. When the handsome and gaily-attired youth, whose progress hitherto had been a succession of bloodless triumphs, entered the palace untenanted by his race for sixty years, the believers in the divine continuation of royal genealogies might be excused if they saw their subtle creed confirmed by an almost miraculous interposition. Instantaneous arrangements were made for the proclamation of King James at the old Cross of Edinburgh. There the declaration and other documents which had been read at Glenfinnan and Perth, were for a third time proclaimed, with more heraldic splendour, to a larger crowd. The army remained three days in Edinburgh, enjoying rest and receiving recruits, when they were called to the memorable field of Prestonpans.

Cope's transports had reached Dunbar, and a debarkation began, which was not completed until the 18th. He was then joined by the grave Colonel Gardiner, depressed at heart by the spiritless conduct of the dragoons whom he brought to increase the army. The camp was sought by a still less serviceable class, in the judges and other official men who had deserted Edinburgh. There seems generally something reprehensible in trusted public functionaries deserting their post; yet for these gentlemen it must be said, that, however available their presence might have been in some internal and local convulsion, it must have been utterly useless to a capital in possession of an invading force.

Cope's army, marching westward, had reached the old village of Preston, when they learned, on the 21st, that the Prince was on his way to meet them. The ground seemed suitable, and the general resolved to abide an attack there. The character of the country, for a considerable distance along the coast, is, to one coming from the interior, first a moderate continuous ridge of hills, then a depression scarcely to be called a valley, and nearer the sea a slight and almost imperceptible re-ascent, which can scarcely be called a hill. It was on this lower line of eminences that Cope took up his position. Lord George Murray, fearing that his adversary would take the higher ridge, and knowing the importance which the Highlanders attributed to the superiority of ground, led them, after they had passed through Musselburgh, to the right, across the muir, where they reached a part of the upper ridge, well known in the earlier warlike history of Scotland as Carberry Hill. He soon came in sight of the enemy, and slanted down towards the village of Tranent, a strong post, from the steep and broken character of the ground. On the heights behind, the Highlanders were secure from attack. But it was found that they could not perform their usual formidable movement of rushing down upon the foe. Cope had the command of houses and enclosures, by which, if there were a deliberate advance to attack him, he might effectively fortify himself. But there was a more serious impediment in a morass, cut by a deep ditch, in the depression between his lower elevation and the higher eminence occupied by the Highlanders. The ground was accurately inspected from their side, but pronounced to be impassable, unless with the risk of a murderous fire. The aspect of the country has undergone a mighty change since the two armies looked at each other. The morass has given place to fields, but they retain testimony of its original impassable character. It is a hollow that has been drained with difficulty by a ditch that removes, but even yet imperfectly, the waters that had formerly made it a deep bog.

The Highland army had been largely increased since

it crossed the Forth, by bands of the Grants and Mac-Lauchlans, and an additional body of the Athole men, at last forced unwillingly to declare for the insurgents. The army now numbered about 3000 men. Of these, however, many were wretched stragglers in rags, with no better arms than a scythe, or any other available edge-tool. Cope's army numbered little more than 2000 men, and this small body included a few not very serviceable volunteers.<sup>1</sup> The dragoons were posted on either wing,—Gardiner's on the right, and Hamilton's on the left. The foot were formed in two lines. The army faced towards the rising ground where the Highlanders first appeared. Its right was in the direction of Edinburgh, and its left was towards the quarter whence it was subsequently attacked. Unsuspicious of any movement out of the usual routine of his accustomed tactics, the English general anticipated a night of security, and was preparing himself for the conflict of the morrow.

Next to a sudden attack from high ground, nothing could better suit the Highland spirit of warfare than a night march and a surprise, and it was resolved, after some consultation, to make the attempt. It could only be accomplished by a considerable circuit. At Seton Castle, about a mile eastward of Tranent, the waters of the morass gathering in a stream clattered down a ravine, and there naturally was the termination of the broad swamp. It was determined that this passage to the enemy should be adopted; and Lord Nairn, who had been sent eastward along the heights with a party to divert the attention of the English general, was rapidly called in. When the disposition for the march was adopted, the Prince went forward, and said to the officers near him,—

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<sup>1</sup> Any estimate, however, of the numbers, at least on the Highland side, is but a balancing against each other of exaggerated statements. Each army seems to have spoken of the other as consisting of 5000 men; and Cope, on his trial, or rather examination before the Board of General Officers, made that the number of the Jacobites. Several of the statements on this matter will be found compared with each other in the Notes to the Chevalier Johnstone's Memoirs. 22.

"Follow me, gentlemen ; by the assistance of God I will this day make you a free and happy people."<sup>1</sup>

A gentleman, named Anderson, who is said to have known the ground as a sportsman, led the way. The habits of the Highlanders enabled them to accomplish the march with dead silence and extreme celerity.<sup>2</sup> The morning dawned in dense mist, which continued still to shroud their movements. They formed after crossing the morass or stream in two battalions: the right, consisting of the several MacDonald tribes and a few Grants, was commanded by Drummond the titular Duke of Perth ; The left, containing the Camerons, Stewarts, and MacGregors, was led by Lord George Murray. A second line, commanded by Lord Nairn, consisted of Athole men, Robertsons, MacLauchlans, and Drummonds, with a small body of mounted gentlemen. With this line the Prince, who unwillingly consented to abandon the head of the army, walked. After the passage of the morass by the Duke of Perth's body, they tended to the right to leave room for Lord George Murray's, which adjusted its move-

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<sup>1</sup> This saying, with the other prominent events in the three main battles of the insurrection, was attested by a gentleman in the Prince's army, Andrew Lumisden, a Jacobite scholar, who retired when his cause was lost to Rome, and published in 1797, 'Remarks on the Antiquities of Rome and its Environs.' From his brief but very clear narrative, Home took many of his material facts. It is now possessed by Mr Gibson-Craig, who has kindly lent it to the author.

<sup>2</sup> One who returned to the camp after seeing the Athole men posted "to secure the enemy's right that they might not get to Edinburgh," says: "On my return perhaps about twelve, all was so quiet and still, that had it not been for our small party of horse, I would have had difficulty to find the army, though the night was tolerably clear. Along the lines of which I walked, all lay dead asleep wrapped in their plaids, and I was shown by the sentinels where the Prince was. The army started up and were in motion in an instant, with the greatest silence passed the bog, going through which the Prince missed one of the stepping-stones, and one of his legs went in nearly to the knee."—Account by Laurence Oliphant in 'The Jacobite Lairds of Gask,' by T. L. Kington Oliphant, 111, 112. The concluding incident (mentioned also by the Chevalier Johnstone) suggests how intricate and difficult the path was, and how easily a vigilant general could have broken the approaching force, and put an end to the insurrection.



ments so as to sweep the edge of the morass, and save itself from being flanked. The regular form of march was in open columns three abreast, which permitted, by a single movement, the formation in lines three deep. But when they took their ground, following their old practice, they threw themselves into separate clumps, according to their clans, and their method of forming and fighting was exactly as it had been nearly sixty years earlier at Killiecrankie.

As the mass moved on with celerity and silence, it was at last recognised by the obtuse sentinels, who are said to have observed a great dark body in motion long ere they divined that it must be the Highland army. Cope knew well the one great principle, that since the enemy had changed its direction, he must change also to prevent a flank attack; and the operation of facing to the east was leisurely carried out, until the right was to the morass and the left to the sea, the dragoons, as they previously did, occupying each flank. It became a feature of the engagement that the high enclosing fences of Bankton, poor Colonel Gardiner's mansion, and of the Preston pleasure-grounds, were now in the rear, with a narrow road between them, which in a manner pierced a long line of wall.

The operation was hardly completed when the Highlanders advancing close up with a sharp trot discharged their pieces, threw them away, and then leaped with a yell on the nearest foe. The rout and ruin were complete, and almost instantaneous, none of the troops showing steadiness enough to make the battle a series of successive movements. All bore back according to the order of their position on the field, before the advancing torrent. It first overwhelmed the men in charge of the six field-pieces in front. A false reliance had been placed on the Highlander's dread of what he called "the musket's mother," and the field-battery was a sham, for there was but one old artilleryman in the army, and an ineffective effort was made to get the guns served by sailors. Somehow they were fired off, killing one man; but whether the Highlanders knew that they were virtually unserved or not, the cannon, being in front, were first reached, and

those in charge of them were the first to flee. Some battalions had fired their single discharge on the advancing foe, but it was before they had begun the final charge. After that scarcely one kept its form. The high enclosing walls, which were, the day before, looked upon as the fortification of Cope's camp, now made it a slaughter-pen. The interruption compelled the broken ranks to flee hither and thither, a few escaping by the road, and others, still fewer, by embrasures which had been cut in the walls. Many of the dragoons, as they rode along these walls seeking an exit, were struck down by the masses of Highlanders rushing on them in flank ; and the infantry, huddled before them in heaps, were still more easily slain.

A slaughter of a frightful kind thus commenced, for the latent ferocity of the victors was roused, and grew hotter and hotter the more they pursued the bloody work. To men accustomed to the war of the musket and bayonet, the sword-cut slaughter was a restoration of the more savage-looking battle-fields of old, which made even the victorious leaders shudder. The Prince, to his credit, rode up to the scene, and called on the Highlanders to spare his father's deluded subjects ; and Lord George Murray, with the other leaders, exerted themselves to quench the slaughter.

One death on this dreadful day was surrounded by a sad and peculiar interest. Colonel Gardiner, who had steeped his religious impressions in the solemn gloom peculiar to those who have turned suddenly from the follies and offences of a life of pleasure, was observed to be more serious than usual, and to act as one who had finally prepared himself for death. But he did not neglect the rigid performance of his duties. When his troop fled he remained, though severely wounded ; and seeing a body of infantry who seemed inclined to struggle on though unofficered, he performed the noblest service of the military leader, by offering himself to almost certain death, in efforts beyond the range of his proper duty, to save life by organising the helpless crowd. He had scarcely begun his act of humane courage, when it

came to a fatal end. Wounded, first as it was said by a scythe, and again by a Lochaber axe, he fell close to his own pleasant mansion, and was removed by friendly hands to die in peace in the neighbouring manse of Tranent.

After the reverse of Fontenoy, the nearest approach to a great defeat that Britain had ever encountered from France, there arose deep alarm about the soundness of the British military system when it was learned that on this occasion several field-officers had fled from the Highland charge without looking behind them. Cope himself was excelled by others in the poltroonery with which his name is ever associated. He made some little efforts among the stragglers whom he found far away from the field to regulate a retreat, but others seem to have fled right on ; and when two of them, Brigadier Fowlks and Colonel Lasselles, reached Berwick, the old General Lord Mark Kerr, said to them, " Good God ! I have seen some battles, heard of many, but never of the first news of defeat being brought by the general officers before !"<sup>1</sup>

Few victories have been more complete. It is said that scarcely two hundred of the infantry escaped. Though the slaughter had gone far before it was checked, many prisoners were taken, who were an inconvenient acquisition to the insurgents. They were sent partly to Logierait, in the Athole territories, and partly to an old fortalice in an island on the Loch of Clunie, on their border. The military chest, containing £2500, afforded a seasonable supply to the Prince. The Highlanders obtained a glorious booty in arms and clothes, besides self-moving watches and other products of civilisation, which surprised and puzzled them. Excited by such acquisitions, a considerable number could not resist the old practice of their people, returning to their glens to decorate their huts with their spoil.

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<sup>1</sup> Letters from Dr Waugh, 2d October 1745 ; Carlisle in 1745, p. 27. The anecdote was afterwards applied to Cope himself ; but it is likely that Waugh, at so early a period, had an accurate version of it.

The Prince, spending the night after the battle in Pinkie House, entered Edinburgh next day in triumph. Some lawless excitement was shown by his wild followers, but, on the whole, the Highlanders behaved well ; and it is among the most remarkable instances of the influence which a change in surrounding conditions may have on a people signally retentive of other bad practices, that there should have been so little plunder in their marches or their abode in the towns. This may be accounted one of the steps in a moral change which has made the Highlanders of the present day remarkably exempt from predatory offences. There are few humble people among whom property is more safe from aggression, than the still poor descendants of the Highland thieves of old.

The young hero of the late conflict was naturally an object of greater interest than ever. All the Scots ladies who had the slightest tinge of Jacobitism in their opinions, gave him their sympathy and prayers, which seemed indeed to be already fulfilled in the pomp and etiquette of a Court at Holyrood. The Prince was courteous and affable, gave balls, touched for the "king's evil," and did all things that befitted his heroically romantic position and kingly descent. He issued proclamations from time to time, prepared, like all his State papers, with an eloquent vagueness. They were more popular among his friends than among his opponents. He tried hard to get the Presbyterian clergy to perform their usual services. One of the ministers, whose place of worship was immediately under the castle guns, appears to have adopted this opportunity to pray "that the young man come among them in search of an earthly crown, might soon receive a crown of glory," and to discharge other missiles of a like character, drawn from his own clerical resources. The other clergy not being assured of free permission to pray for King George, a privilege which they could not well expect to be conceded to them, generally suspended their services. The Prince was not more successful in his appeals to the banking companies to withdraw their effects from the castle, whither they had been removed for security. All accessible public moneys were seized,

and warrants were issued for the enforcement of all Crown claims, in favour of King James. These were, of course, obeyed only where they could not be resisted ; but wherever there was accessible property, it was subjected to heavy forced contributions.

From the 22d of September to the 31st of October, the insurrectionary army remained in possession of Edinburgh. It was at first alarmingly drained by the defection of those who dispersed with their booty, but the attractive lustre of the victory brought a gathering southward which speedily exceeded the defection. Among the leaders who now rallied round the adventurer came old Lord Pitsligo, with a following of 120 men, from the eastern lowlands of Aberdeenshire. The collection of so considerable a force showed an extent of personal influence not usual in the Lowlands, which must be attributed to the high reputation of the old man. He was, perhaps, the least liable to suspicion in character and motive among the Prince's adherents, for he was subject to none of the wayward impulses bearing on the Highland chiefs, and his fame has ever been pure from the suspicion of interested motives. A peculiarly constituted conscience sent him to that camp where his advanced age and his character were so anomalous. A zealous and pious Episcopalian of the nonjuring class, he believed in his heart that the Prince's father was king by right divine, and he did his duty with earnestness and singleness of purpose to the Lord's anointed.

The Earl of Airlie's son brought with him 600 men, who, though collected on the mountainous Braes of Angus, must be considered as in some measure of Lowland origin ; but Pitsligo's appears to have been the largest contingent brought entirely from the flat farming districts. The Laird of Glenbucket brought 400 men from the north, along with Lord Lewis Gordon, whose attempts to bring out his clan without the direct aid of his brother the Duke of Gordon, were, as we shall find, but imperfectly effective. Thus enlarged by instalments, the army, ere it moved southwards, was nearly 6000 strong.

Some Lowland gentlemen of importance now joined

the Prince, but few of them brought any following; and it was soon visible to the discerning, that the main support of the project was to be in those Highland chiefs whose position made them inimical to a firm established government, and loyal to any principle or person that embodied the elements of disorder. Lord Kilmarnock, who already had given his personal adherence, desired to offer something more. He had seen the chiefs, since the Revolution, ranging their followers on whatever side it was their own inclination to adopt, and he bethought him of attempting the same practice with his Lowland tenantry in Ayrshire. They had followed him in defence of the Hanover succession in 1715, and, having changed his side, he now desired them to follow him to the Prince's camp. But the Whig crofters and weavers of the west had not changed their opinions, and denied that their landlord could pledge them to any cause he chose to adopt. They received the imperious demand with a responding contumely, and the unfortunate peer could bring no following to the banner but the household servants, who, in his extreme poverty, cannot have been numerous. Some other recruits of a like character joined the Prince in Edinburgh,—Lord Kellie; Arthur Elphinstone, who before the conclusion of the insurrection succeeded to the title of Lord Balmerinoch; and Sir James Stewart of Goodtrees. The army was joined by two young men otherwise known to fame, but of little note in the military history of the insurrection,—William Hamilton of Bangour, the poet—and Strange, the great engraver. But the recruits from the citizens were few; and those who crowded round the Prince in curiosity tinged with sympathy, declined to commit themselves by mounting the white cockade.

The Prince, while he remained in Edinburgh, was master of Scotland excepting the few fortifications dotted here and there, and the country round Inverness, where Duncan Forbes, as representative of the Government, preserved its supremacy. Arrangements were made for a blockade of the castle; but General Guest resolved to keep the passage open, though the town should suffer in

the destruction of the hostile works. The safety of the town depended on the Prince giving up the investment, or General Guest, the governor, consenting to be invested. They must be remarkable circumstances indeed in which the commander of a fortress agrees to be blockaded, and in the end overcome, because his guns will commit incidental injury through the demolition of the adverse works. The Prince yielded to the entreaties of the citizens, denouncing the barbarity of the Hanoverian commander, and proclaiming his own clemency, in abstaining from reprisals on private property, and from using his power to assail his enemy without consideration for the city.

As week after week passed on, it was necessary to contemplate distinctly the conclusion to which the Prince's success was to tend. Few men, perhaps, have ever been more perplexed by success than Lord George Murray and the other men of judgment among the Prince's advisers, during their sojourn in Edinburgh. Neither the rising in England nor the expected French descent had occurred; and they knew that they were not to be left rulers of Scotland with a force of five or six thousand men. Whatever doubts disturbed them, however, were unknown to their Prince;—he was flying on the wings of his destiny to the appointed throne; and he announced, one day, to his amazed council, that he intended to march to London and take possession. Yet, situated as they were, a descent on England did not become so unreasonable on full examination as it at first appeared. General Wade was approaching with a considerable force along the east coast, and had reached Newcastle. If the insurgents could evade him by keeping the defenceless west of England, where their friends, if they had any, were to be found, they would protract the crisis, and give room for all chances in their favour from invasion or an English rising. The plan of a march into England was therefore adopted.

On the 31st of October the camp at Edinburgh was broken up and the march begun. The Prince's army now amounted to six thousand men, about half the number commanded by Mar at Perth thirty years earlier.

There were about three hundred mounted men, either as dragoons or regular cavalry. Thirteen regiments were classified as Highland, because they were separately commanded by their chiefs or chieftains. About half the army only was thus distributed; yet in the other half, formed into larger regiments, and called Lowland, because they were not immediately under patriarchal leaders, the greater number of men were Highlanders. The army was in excellent heart and condition, for they had not been six weeks in possession of the capital, and the richest part of Scotland, in vain. They had been abundantly fed, and possessed clothes and arms, with even a park of artillery. The commissariat requisitions were so issued as to indicate a march on Wade's forces in the east, though the west was the real destination. While one division, under Lord George Murray, immediately took the western route by Peebles and Moffat, the other, with the Prince at its head, professed to start in the eastward direction, but turned westward through Lauder and Kelso. It joined the other division on the 9th, near Reddings, in Cumberland. The same reluctance to cross the Border which had perplexed Kenmure and his friends in 1715, appeared, though in a mitigated form; and many of the Highlanders silently disappeared, and found their stealthy way back to their own mountains.

On the 10th the army surrounded Carlisle, which, like Edinburgh, possessed dilapidated fortifications adapted to the age when England and Scotland were at war, but neglected in later times. Again municipal authority was relied on for warlike protection, and proved wanting. There was no disaffection in the town, but very little capacity to defend it. The mayor, publishing to the world that he was no Scots Patterson, but Pattison, a loyal Englishman, offered defiance. The main body of the rebel army was called off by an expectation of encountering Wade's force among the neighbouring hills; but the movement was premature, and the investment was resumed on the 13th, when the army professed to cut approaching works, and raise a battery.

When the news of the fall of Edinburgh reached the



north of England, the militia of Cumberland and Westmoreland, to the amount of seven hundred, were raised, and united with the citizens of Carlisle—who, it was said, should have mustered four hundred fighting men—in the defence of the town. In the castle there were some eighty invalids, whose age and infirmity justified their title. There were two old artillerymen among them ; and eighty of the militia were appointed to act as gunners. The few small guns on the walls were fired ; but, as the improvised artillerymen saw, with little effect, and to defend the town was at once seen to be hopeless. A deputation was sent from the town to treat. They brought back the unwelcome answer that the town alone would not be received on terms, and that, unless the castle were included, there would be a general pillage, and no quarter. Colonel Durand, the commander, was vexatiously situated. Unaccustomed to civil war, the citizens had no idea of submission to military command. He was resisted in efforts to organise the force within the city. Even the knocking down of walls, and the cutting of valuable hedges, to deprive the enemy of a lodgment, met with resistance and murmurs. The militia and other professed defenders, indeed, did much as they pleased ; and there was so little uniformity among them that their pieces were of all variety of bores, and could not be supplied with bullets from the stores in the castle. Colonel Durand complained that he could not even get them to agree to an arrangement that no drum should beat without his consent or knowledge. Some volunteers who had joined him changed their views, and left him “to a man.” To defend a great range of dilapidated works with the eighty invalids would have been preposterous, even if it had not endangered the city ; and Colonel Durand and his officers, assembled in council of war, came to the conclusion that “the castle being not tenable, it is for his majesty’s service that it be abandoned.”

He was tried by court-martial ; but as it was found that he had done everything capable of being done, he was honourably acquitted.

On the 18th the Prince entered Carlisle on a white

horse, with a hundred pipers playing before him, whose shrill music was not calculated to inspire the citizens with confidence in their grotesque conquerors. The acquisition was an important one ; it was the first fortification occupied by the insurgents, and it had long been known as the key of a great national thoroughfare. A considerable amount of property, which had been removed into the castle as a place of security, was allowed to be restored to its owners. The troops acquired some valuable arms, and it will easily be understood to have been with no small exultation that the Highlanders found in the arsenal the broadswords and dirks which had been taken from their kinsmen at the surrender of Preston. It has been said that the Prince required a subsidy of £20,000 to relieve the city from pillage ; but this is doubted, along with the assertion that he created Thomas Cappock, who served as an officer in his army, Bishop of Carlisle.<sup>1</sup>

Leaving a hundred and fifty men to hold Carlisle Castle, the army resumed its march on the 22d. It carried with it elements of internal discord that lost to it, or at least crippled, its ablest officer. The ostensible rivalry lay between Drummond and Lord George Murray, and in the end each resigned his command. It was said of Murray that he was too conscious of the value of his services, and showed a touch of arrogance even to the Prince. On the other hand, it is pretty clear that the Prince, though more genial in nature, was as completely possessed with the divinity of his position as his father had shown himself to be, and did not consider the value of a good general as a thing to weigh against it. Murray acted in the end with dignity. By a sort of understanding with his comrades he gave them his services without a command ; and they had substantial benefit from his guidance in difficulties and dangers.

The Highlanders made an orderly march. The peasantry of the north of England, at first alarmed, found they had nothing to fear, and flocked to see the procession of men in strange and gaudy attire. But there came no

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<sup>1</sup> Carlisle in 1745, p. 102.

recruits, and there was something ominous even in the undisturbed march, as if the whole were a vain show. The Cumbrian and Northumbrian gentry kept aloof. Some of them, remembering the loyalty of their ancestors, had a kind thought for the forlorn descendant of the Charleses; but they had not enough of practical Jacobitism to peril for it all that was dear to themselves personally, and to increase the chances of protracted civil war with a Government so strong as that of Britain. The ladies of such families could not help feeling a warm sympathy with the gallant youth and his forlorn attempt. When he occupied the house of one of them, Mrs Warwick, the daughter of Howard of Castle Corby, he was entertained with all state and kindness in the "oak parlour;" and as he departed, the Tory lady of Cavalier descent was heard to exclaim, "May God bless him!"<sup>1</sup> The hospitality and the good-natured benediction pretty well expressed the full extent of Jacobite feeling throughout her class.

The continued direction of the march towards London was the wish of the Prince, and seems to have been moodily acquiesced in by Lord George Murray. It proceeded with much regularity and uniformity. The force which left Carlisle was 4500. It was divided so as generally to keep the van a day's journey in advance, that the rear division, with which the Prince marched, might occupy the quarters evacuated by their comrades. In the latter days of November—equivalent to the earlier days of December by modern style—they were naturally exposed to sufferings from cold. They generally, however, so arranged their double march, as at night to reach one of the comfortable old English market-towns. They retained their character for honesty and discipline; but it was impossible to prevent some devastation in hen-roosts, and exaction of the tempting articles displayed in shops. The main grievance, however, of the English from this strange march, appears to have directed itself to the habits and sanitary condition of the Highlanders, and the risk

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<sup>1</sup> Carlisle in 1745, p. 46.

of their sowing the seeds of a national cutaneous disease in their places of repose.<sup>1</sup>

On the 21st the advanced division of the army reached Penrith, and thence passing through Shap, Kendal, Lancaster, and Garstang, the whole force was concentrated on the 27th at Preston, memorable in the annals of the previous rebellion. Some relics of the old Jacobite spirit arose here to cheer the adventurers, whose progress since they left Carlisle had been through a people utterly unsusceptible to their cause, if not resolutely hostile. Now the bells were rung, some people shouted in the streets, and they received their first English adherent of consideration in the unfortunate Major Townley. As twice before a Scots force had been ruined at this point, there was a slight presentiment among the imaginative Highlanders that they were not to pass the barrier; but this was overcome by Lord George Murray, who judiciously braved it by at once quartering a portion of the army beyond the charmed line. The march was resumed on the 28th. It had become extremely momentous, for Lancaster was still the centre of the remains of English Jacobitism. Here, if anywhere, they were to be strengthened; and Lord George Murray, with any others who considered the contest as an affair of this world, knew that they were now trying that last chance, after which despair must look them in the face.

On the 29th the army reached Manchester. There the town-crier was sent round to warn all persons owing public money, by arrears of taxes or otherwise, that they could safely make payment only to John Murray, Esq., secretary to his royal highness. An order more effective was issued for a general illumination and the ringing of bells. Here, for the first time in England, the invaders found divided opinion and friends. As an old capital of a district, the Lancashire gentry, who were

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<sup>1</sup> There is an ample and expressive account of the afflictions of the English from this source, in a curious and amusing pamphlet called 'A journey through part of England and Scotland along with the Army under the command of H.R.H. the Duke of Cumberland.' 410.

chiefly Roman Catholic, still had their town-houses in the borough ; but they were now outbalanced by the manufacturing interest, rapidly rising in importance, and thoroughly loyal in opinion. Here the Prince obtained a subsidy of £3000, and the recruits were numerous enough to form a small regiment numbering less than two hundred men. To see this as the climax of all the high hopes from the Jacobites of Lancaster, must have been almost more bitter than the obdurate hostility of the other districts.

The army left Manchester on the 1st of December, marching straight for London. Reaching Macclesfield in the evening, it was known that the Duke of Cumberland, who had left London on the 25th of November, was at the head of a large force in Staffordshire. It was necessary to make a false move on Congleton, for the purpose of deceiving him. Lord George Murray himself undertook this arduous and subordinate operation. It was of a kind for which Highland troops, with their fleet unembarrassed movements, were always peculiarly adapted, and it was quite successful. On the 3d, Lord George left Congleton, and on the 4th the whole army entered Derby in triumphant display. But it was time for those who saw beyond the moment to view seriously their position, and consider what was to be done. Their career had been a romance. They had marched through nearly three hundred miles of hostile territory, had eluded two armies, and were within a hundred and thirty miles of London. They might reach and overpower the metropolis of the British empire ; and if human lives were toys, the game of forfeits would be a pleasant and exhilarating one. But to men like Lord George Murray, who expected no miracles, and deemed the interests they had put in stake serious, the juncture required momentous reflection.

It has been usual, of late, to speak of the march to Derby as an enterprise which, had it been continued, was extremely likely to overturn the Hanover settlement, and restore the Stewarts to the throne. It has been alleged that the Duke of Newcastle shut himself up for one whole day, and was accessible to no one, that he might deliberate whether or not he would transfer his allegiance

to the Pretender. It has been asserted that the king had many of his most precious effects embarked in barges at the Tower quays, in preparation for momentary flight. But there is no contemporary evidence of these statements, nor a particle of probability in them, with all allowance for the Duke of Newcastle's folly, and the king's reliance on Hanover. It is true that Fielding said, "When the Highlanders, by a most incredible march, got between the duke's army and the metropolis, they struck terror into it scarce to be credited." And it was quite natural that the approach of five or six thousand savage warriors on an open city should produce consternation enough, without any anticipation that it could effect a revolution.

While the Highlanders were on their march, the chief tribulation of the Government came out of a demand why they permitted an occurrence so troublesome and alarming. Hence, on the 29th of October, came a debate in the Commons, on a motion for a committee "to inquire into the causes of the progress of the Rebellion in Scotland." The motion, involving a censure on the Administration, was lost by 194 to 112; but the debate told on the public mind. Mr Winnington, in defending the Government, asked how it could have been supposed "that a few Scots Highlanders would be so mad as to take it into their heads, that, without any foreign assistance, they could conquer the whole island of Great Britain, especially after the Parliament and the whole nation had, upon occasion of the late threatened invasion, so unanimously declared for the support of our present Government."<sup>1</sup> But the answer was, that these Highlanders *were* mad enough for such an attempt—that they had been long known to be so, and that no precaution was taken to keep the madmen from mischief, at a time when the land forces supported by Britain contributed upwards of 20,000 men to Flanders, to conduct a war in which the country had no interest.<sup>2</sup>

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<sup>1</sup> Parl. Hist., xiv. 1372.

<sup>2</sup> In 1744 the estimates were for 21,358 effective men (officers included), to be employed in Flanders, and for 19,028 effective men for guards, garrisons, and other services.

There was something, however, in the consideration that the war in Flanders kept France from attempting an invasion, and adjourning the great European contest to British soil.

In fact, however, immediately on the news of Cope's defeat reaching London, the Government had become active. The king, who was at Hanover, returned. Three battalions of guards, and seven regiments of infantry, were recalled from Flanders. Six thousand Dutch troops were called over. They could be spared with peculiar convenience, for they were part of the garrisons of Tournay and Dendermonde, which had capitulated under terms not to serve in the war before 1st January 1747—a stipulation supposed not to apply to the suppression of an internal rebellion, unless Continental troops should assist the rebels. The forces thus available were put under the command of General Wade, and were the first army which the insurgents had evaded in their march.

Soon afterwards the Duke of Cumberland, the king's second son, was called over from the Low Country campaign, bringing with him an additional body of troops, from which, with recruits in England, he made out an effective force of 10,000 men. This was the second army which the insurgents had evaded; so that there were two armies, each larger than their own, between them and Scotland. A third, to defend the capital, under the command of the king himself, an experienced leader and thoroughly brave, was to have the aid of the venerable Marshal Stair, the first British general of that age, whose genius, had he been actively engaged, might have given a different aspect to the civil war. The force to be thus illustriously directed was formed in camp at Finchley Common, and being created out of London materials, was not viewed with great respect. It has had the fortune to be immortalised in that powerful picture by Hogarth, in which he rendered gross caricature sublime, and carried to its utmost the propensity of the Englishman to enjoy that ridicule of his own military attempts which he cannot endure from any other nation.

While these preparations went on in England, the condition of Scotland, whither the Highlanders resumed their

march, was very different from that in which they had left it. On the 13th of November the judges and other official people returned to Edinburgh amid the discharge of guns from the castle, and the tinkling of the music-bells. Gardiner's and Hamilton's dragoons, with two regiments of foot, were quartered in the town. Parties left by the insurgents at Perth and Dundee were endangered by threatened attacks from the citizens. Several corps of volunteers were formed, among which Glasgow gave the largest contingent. There was a strong feeling, if not quite in favour of the Government, yet decidedly against the insurgents, in the south-western towns, the old seat of the Covenant. Dumfries had sent a party on the traces of the insurgent army, which seized their tents and other valuable baggage at Lockerby. The new generation of Cameronians, who still possessed their father's broadswords and a few rusty muskets, embodied themselves into a self-regulated regiment, stated to be 700 strong. According to their usual isolated pertinacity, they would promise no allegiance to any side in the dispute; but though the Jacobites still entertained some hopes from their wrong-headedness, there is no doubt that had they found it necessary, they would have fought for the king, uncovenanted as he was; and wherever small portions of their body became embroiled, it was always against the Jacobites.

We have seen that the Lord President, Duncan Forbes, on the first rumour of the Prince's landing, repaired to his own mansion of Culloden, the seat at once of danger and of usefulness. A statesman and a man of business—yet, from the position of his paternal estates and his own habits, intimately acquainted with the peculiarities of the Highland social system—no other person was so well fitted to accomplish what moral influence could do, to restrain the chiefs and save them from ruin. He knew this, and set himself to the task with the more resolution and energy that he was bitterly conscious of the supineness of those who had more responsibility for the peace of the country. He was at first associated with Cope's force; but he seems to have been glad when that commander removed from a neighbourhood where his ignor-



ance of Highland warfare exposed him to annihilation, should he be tempted to fight the main army of the insurgents in the mountains. The President received twenty blank commissions to form independent companies, under the chiefs inclined to take the Government side. In the letter conveying them, he was told, with a thoughtlessness productive to him of many sad misgivings, that the Government would defray whatever cost he incurred in the defence of the country, as if the fortune or credit of a private gentleman could support an army. His disposal of this authority required extreme delicacy and tact ; and in his unsupported solitude he conducted an unremitting correspondence with the heads of clans. His efforts are believed to have kept ten thousand men out of the insurrection. The two important chiefs of Skye had, as we have seen, been secured by him before they had the temptation of example, and, somewhat unexpectedly, continued true. He had a far more subtle diplomatist to deal with in his neighbour and occasional boon companion, Lovat. He knew well the nature of the treacherous old barbarian, and watched him with such a calm but sleepless eye as a political resident from our Eastern empire may have kept on the motions of some dangerous Afghan chief or Ameer of Scinde. He was not to throw away denunciations or suspicions, but discoursed matters in ordinary courtesy with the old man, whom he knew to be covering, under a profusely bland and exuberantly kind exterior, the blackest treachery.

Lovat sent an ambassador to the Prince immediately on his landing, who is said to have recommended that the first step should be to secure the President, alive or dead. The evidence for this is little better than traditional ; but Lovat's character suffers no material injury in its being believed. His ardour was much subdued by the absence of two expected documents, which the Prince had, accidentally it appears, failed to bring with him—the one a commission to Lovat to act as commander-in-chief of the forces ; the other, a patent creating him Duke of Fraser. Turning in the other direction, he clamorously demanded arms from the Government, that his clan might

defend themselves from the rebels, and take the field for "the king,"—chuckling no doubt internally when he thought it would not be suspected what he meant by the equivocal title. But Forbes had, like many honest men, a deep insight into character. He offered Lovat one of the blank commissions; but the arms he had not to give. He did not wholly despair of gaining the old chief by judicious appeals to his interest. Lovat remained in a condition of painful uncertainty, until the battle of Preston made him—viewing the matter from his position as a Highland chief—decide that the Prince's was the gaining cause.

Still he desired to keep a firm hold of both sides, and resolved to send his clan to the Prince, while he stayed at home professing loyalty. In the one direction he sent a letter to Secretary Murray, saying that he had devoted to the cause of his king and country his eldest son, his hope as a father, and the darling of his life, who was to march with fifteen hundred men; while, at his earliest convenience, he wrote to the President bewailing his sad lot as the parent of a frantic and abandoned son, who, defying all his exhortations, entreaties, and threats, had madly resolved to raise the clan in wicked rebellion both against the best of kings, and that heart-broken parent whose grey hairs he was bringing in sorrow to the grave. Forbes answered that the rashness of the youth was deeply to be regretted, for there was a popular belief, not easily to be shaken, that Lovat had great influence with his clan; and since he had taken them from the ranks of the rebels in 1715, and made them fight for the Hanover succession, it would be impossible for his friends to convince the Government that he could not have restrained them on this occasion had he pleased. So the farce went on until the President knew that he was in danger, and fortified Culloden House in time to protect himself from seizure by a party of Frasers. At the conclusion of November, young Fraser marched southwards with the clan. Lovat was seized and retained as a hostage in Inverness, whence he soon escaped. The retreat from Derby came to disturb his resolution, and he endeavoured to call back his

son ; but the young man disdained desertion, and stood by his adopted cause.

Forbes had, in his later operations, the aid of a military coadjutor, Lord Loudoun, an able and honest commander. The independent companies to be put under his command were filled up by the two great chiefs of Skye, by the MacKenzies of Kintail, Lord Sutherland's numerous clan, the MacKays, the Rosses, and the Grants. This body held Inverness, and overawed the disaffected in the far north.

In the mean time the insurrection took a totally new aspect along the east coast of the northern Lowlands, where a French force had arrived. Though France and Britain had mutually declared war against each other in 1744, it was in conjunction with Continental alliances and combinations, which had no reference to a divided claim on the throne of Britain. Ere a French force could act so as to count one portion of the British people friendly and the other hostile, a separate diplomatic arrangement was formally necessary. A treaty was arranged on the 23d of October between the Marquis of Argenson for the French Government, and Colonel O'Brien for Prince Charles, in which it was agreed that France should aid the enterprise by defending the provinces submitting to King James, and counting the inhabitants of Britain friends or enemies as they aided or opposed the "Prince-Regent." As an instalment of the promised aid, a thousand men sailed from Dunkirk, under Lord John Drummond, who was born in France, and a French subject. They reached Montrose at the end of November. The introduction of this element into the war, though small in itself, was effective in neutralising a large portion of the Government force. It enabled the French to demand that the six thousand Dutch auxiliaries, who had agreed at the session of Tournay not to bear arms against France, should be withdrawn from the active force in the war ; and immediately on his arrival, Lord John sent notice to their commander, Count Nassau, that he required fulfilment of the stipulation.

The French troops allied themselves with the insurgents gathered chiefly under Lord Lewis Gordon in the north,

and greatly astonished the people in the Braes of Angus and the interior of Aberdeenshire, by the presence in their remote hamlets of French soldiers. Lord Lewis expected to bring a great force from the braes and lowlands of Aberdeen and Banff; but he was encountered by two impediments. The Highland following of his house would not move without a hint from the duke himself, and the duke either did not choose or did not dare to give that hint, so that they stood still. The Lowland peasantry, on the other hand, though they had been accustomed in the civil wars to rally round the banner of the house of Gordon, claimed the privilege of thinking for themselves, and disposing of their allegiance as they pleased. Lord Lewis found an active coadjutor in the zealous Aberdeenshire laird, Moir of Stonywood; but their efforts to raise a force met with little success. In the more populous parts of the country, and in the town of Aberdeen, they were counteracted by the mob; in other places, they were met by mere quiet obstinacy. Among the people there was no longer a preponderance of Episcopacy. The Established clergy, seated among them in quietness during a whole generation, infused their influence through them, and neutralised the Jacobite leaven.<sup>1</sup>

When Lord Lewis and his coadjutor saw the Highland chiefs using force with effect, they proposed to employ the same means. Lord Lewis issued a proclamation in name of the Prince, demanding a well-found soldier for each £100 of valued rent, or a sum of £5 as substitute-money; and he gave instructions that where neither alternative was adopted, parties were to burn all the houses and grain on the lands.<sup>2</sup> But, finding it impossible to coerce a majority, he was obliged to content himself with empty threats, and the conclusion that he and his coadjutor had undertaken an unthankful business, and had "to deal with a set of low-minded grovelling wretches, who prefer their own interest to the good of their country, or the indispensable duty they owe to their lawful Prince."

A detachment from the independent companies at

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<sup>1</sup> Letters to the Laird of Stonywood—Spalding Club, 403.

<sup>2</sup> Gent. Mag., 1846, 29.

Inverness was sent across the Spey to counteract the exertions of Lord Lewis. They were chiefly MacLeod Highlanders, and Gordon met them with a mixed assemblage from Lord John Drummond's French auxiliaries, and the Lowlanders and Highlanders of the Gordon country. It was somewhat in contrast with the prevailing tone of the war to find a band of pure Highlanders from the west fighting for the Government against this motley assembly. They had a skirmish at Inverury, on the Don, in December. It was not bitterly contested; but the MacLeods, being by far the weaker party, retreated to Elgin.<sup>1</sup>

While these things went on, the Frasers and other clans had assembled at Perth under Lord Strathallan, and formed an army of reserve for the Prince on his return from England.

Such was the general situation when, on the 5th of December, the leaders of the Jacobite army assembled at Derby sat in anxious council. To those who believed that their cause, whether it were divine or human, required the support of a sufficient military force, there was nothing for it but a retreat back to Scotland. The order for this was made by Lord George Murray, who, in this act of unwelcome wisdom, reached the climax of his devoted services to the cause he had adopted. He undertook the charge of the rear, with a great preponderance of the dangers and fatigues of the march, and performed his duties with rigid firmness.

The retreat was begun with so much secrecy and rapidity, that the army had been two days on the march ere the Duke of Cumberland knew that it had begun. He now procured additional horses, and employed the dragoons, and all the other available mounted men, in pursuit. When they reached Macclesfield on the 10th, the Highlanders were two days ahead. At Preston, the pursuers were reinforced by a party of Wade's horse, which, sent to intercept the retreat, had arrived too late.

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<sup>1</sup> See, for many of the minute particulars of the subsidiary operations, the Diary of the Rev. John Bisset, in the Miscellany of the Spalding Club.

On the 17th, when the Prince and the van were far ahead, Lord George Murray had been detained at Shap by incidental impediments. Early next morning, horsemen were seen hovering on the heights, indicating that the duke's army was overtaking the fugitives. Lord George, true to his character, desired to fight, and sent forward to the Prince for reinforcements. They were refused, and Colonel Roy Stewart, who bore the request, brought back directions to bring up the rear. Murray, however, resolved to attempt a check on the pursuit. He had about a thousand men, consisting of Roy Stewart's regiment, MacPhersons, and Glengarry MacDonalds. He posted himself to abide an attack at the village of Clifton, where there was a hedge on one side, and the wall of the Lonsdale enclosures on the other. The dragoons dismounted to serve in their proper capacity as infantry. Their numbers cannot be known, but the Jacobite writers say they amounted to 4000. The moon was in the second quarter, and as the sky was cloudy, there were intervals of obscurity and bright moonlight. In one of these, Lord George saw from his covered position the body of English troops marching towards the enclosures. He ordered an instant charge. It was made with the usual Highland impetuosity, and the dragoons fell back, with the loss of a considerable number of men. The Highlanders then resumed their rapid march, and pursued it unmolested.

The skirmish at Clifton is a trifling affair if we look merely to the contest and the casualties. But the ground where it occurred is interesting as showing how critical it was, as a narrow escape. One can believe that a matter of half an hour's delay might have brought the destruction of the Prince's army, and anticipated the conclusion of his project. They had just left the open country, and had almost but not quite entered a strong line of defences. The safety thus reached was in a district distributed in strongly fenced and timbered enclosures, only penetrated by roads affording here and there high banks on either side: the age of the houses marking the boundary of these roads, shows that, save in the growth of the plantations, the place for purposes of defence has

been little altered since the night when it sheltered the Highlanders.

The next critical stage in the retreat was Carlisle, reached on the 19th. Some proposed that the works should be blown up, but the Prince adopted an arrangement more miserably destructive. A garrison of 300 was left behind, consisting chiefly of Townley's Manchester regiment. The officers, if not also the common soldiers, who accepted this service, were, in the eyes of all rational beings, deliberately doomed to destruction. Of the high-spirited devotion which made them abide this fate without a murmur, there can be but one opinion. For the conduct of the Prince who left them to it, it is difficult to find a better excuse than that egotistic fanaticism which made every calamity endured by his followers in the cause of his house a simple incident in their line of duty, which it was not fitting that he should go out of his way to prevent, or regret after it had occurred.

The Duke of Cumberland's force invested Carlisle on the 21st. Some preparations had been made for defence, and as the duke had no cannon, he could not accomplish an immediate capture. Some ship-guns were brought up from Whitehaven; and on the 29th the garrison saw, that when the batteries opened, the mouldering walls would be strewn in ruin, and they had no choice but to capitulate. In some accounts of the affair it is recklessly said that the duke gave terms of capitulation, and broke them by delivering the garrison over to the law. The Duke of Cumberland's memory has its own load of obloquy, but treachery and falsehood have no share in it. It is true that the governor called the duke's answer to their appeal "terms of capitulation:" but in this document he said, with candid harshness, in words equivalent to those used by Wills to their predecessors at Preston—"All the terms his royal highness will or can grant to the rebel garrison at Carlisle are, that they shall not be put to the sword, but be reserved for the king's pleasure."<sup>1</sup>

After the fall of Carlisle the duke returned to London,

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<sup>1</sup> Carlisle in 1745, p. 153.

where rumours of invasion rendered his presence desirable. Wade continued to command in the north of England, while General Hawley led an army into Scotland.

The insurgents, on crossing the swollen Esk, held a sort of jubilee on retouching Scots ground. Passing through Dumfries—where they retaliated the hostility of the citizens by levying contributions—on the 24th of December, exhausted and resentful, they reached the crowded city of Glasgow, whose citizens had well earned their wrath, and expected their vengeance. Of all the communities, indeed, which suffered from the unprotected state of the country, the city of Glasgow, rapidly rising in importance, had the strongest ground of complaint. A small body of troops stationed among them had been removed on the 12th of August. A meeting was presently called of the principal inhabitants, who acted with spirit and unanimity. It was found that a considerable number of men were ready to be embodied in a loyal corps, but there were no arms for them. The Glasgow people, from old habit, could look on Highlanders only as banditti, whose object would be the plunder of their warerooms; and their respectable provost is found complaining that business stands still—that the custom-house is shut, though there are 4000 hogsheads of tobacco undischarged—that the manufactories have stopped, and the confidence between man and man, which kept up the busy wheels of commerce, is suspended,—all the doing of a party in the country, whose collective wealth is not ten thousand a year.<sup>1</sup> The Glasgow people well represented what the rest of the Lowlands would have been, had prosperity been general. They applied for authority to raise volunteers, and at last received a sign-manual. They were still without arms, however, and found that there was no authority in Scotland with power to supply them. Afterwards one thousand stand were sent under an escort of dragoons. Lord Home was commissioned to command their volunteers; and in a few days they raised one corps of six hundred men, who with a provision of subsistence money

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<sup>1</sup> Cochrane Correspondence, 31.



for two months, were sent to the defence of Stirling; and another of the same number, who were retained for the protection of the city.<sup>1</sup>

Glasgow had already suffered from alarms. At one point in their march southward the Highlanders were nearer to Glasgow than to Edinburgh. A subsidy of £15,000 was demanded from the city in the name of King James, but the corporation negotiated a compromise, the army agreeing to accept of £5500.<sup>2</sup> It was useless to plead this as a discharge in full, when the Jacobite army reached Glasgow. The first demand was for six thousand Highland coats, twelve thousand linen shirts, six thousand pairs of shoes and tartan hose, six thousand bonnets, and a sum of money. When the community grumbled about the harsh exaction, they were told that they were rebels, and must suffer. Despondent, from the decay of trade and the exactions already borne, they had nothing for it but to submit, and with heavy hearts draw deeper on the resources which a few years of prosperous industry had acquired for them. The provost complained that the authority of the rebels was worse than a French—and could only be compared to a Turkish—despotism. The feeling of such a community towards the Prince and his followers was of course in utter contrast with his reception among the Jacobite gentry in the country. The very ladies, as the provost exultingly records, would not accept a ball at his Court, or go near it; and were even so loyal as to pronounce him far from good-looking.<sup>3</sup>

In the end, however, the losses of the Glasgow citizens, from their signal extent, were not allowed, like those of many other people, to remain entirely unrecompensed. Ten thousand pounds were awarded to the town by a special vote of Parliament, which was carried, by the perseverance of some Scots members, against strong opposition, in which it was maintained that other places had

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<sup>1</sup> Cochrane Correspondence, 82.

<sup>2</sup> Paid, as we are told, "mostly in money and bills, and part in goods."—Cochrane Correspondence, 21.

<sup>3</sup> Cochrane Correspondence, 63.

borne their share in the general suffering, yet were unlikely to be allowed, and indeed were not seeking, compensation for merely doing their duty.

After remaining a week in Glasgow the army marched towards Stirling, in the hope of reducing the fortress. After some opposition they got possession of the town; but General Blakeney, resolving to keep the castle, put them at defiance. The army was now joined by the Highlanders assembled at Perth, and by the small parties who had been landed from time to time in vessels from France, including a few refugee Irish in the French service. Among the foreigners, one was a man of considerable rank, the Marquis Boyer D'Eguille, who was treated with much deference, as if he were to be viewed in the light of an ambassador from the French Court, whose presence was the forerunner of the great promised auxiliary expedition. On the ground of the assured succours from France, the Prince had nominally raised the pay of his men on their return to Scotland, and promised them ten guineas each in two instalments,—the one on the landing of the French—the other, on “The Restoration.”<sup>1</sup> Fortune seemed again to smile upon him. His army was far larger than it had ever previously been, and numbered about 9000 men.

While they were preparing to besiege Stirling, news came of the approach of Hawley's force, and it was resolved to give him battle. He had 8000 men under his command, including 1300 horse; and he was joined by 1000 Argyle Highlanders under Colonel Campbell. Marching from Edinburgh westward, through Linlithgow, they reached the bleak muirs round Falkirk just as the Prince's army might be indistinctly seen on the Plean Muir, seven miles distant. Hawley was a rough and almost brutal man—a disciplinarian to the utmost rigidity, and destitute of the quiet punctiliousness that made severity less odious in the hands of those who followed it as a painful duty rather than a satisfactory occupation.

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<sup>1</sup> March of the Highland Army—Miscellany of the Spalding Club, i. 313.

He had a thorough contempt for “undisciplined rabbles,” and for those who, like Cope, had been discomfited by them; and he had loudly proclaimed the exterminating severity with which he was to retaliate on the presumption of the insurgents. His unfounded assurance only made the fate he was to meet more agreeable to his enemies, who were not entirely confined to the insurgent ranks.

On the 17th of January, the troops were at dinner, when it became suddenly known that the Highlanders, by one of their rapid and silent movements, concealed from sight by intervening elevations, were advancing close to the bleak upland of the muir, where they would presently gain the higher ground. Hawley had gone to breakfast with the Lady Kilmarnock at Callander House; and, kept in pleasant conversation, had not returned. Messengers were sent for him; and becoming conscious of the emergency, he was seen riding rapidly to his post uncovered, his grey hair streaming in the wind. His first object was to compete with his enemy for the higher ground, sending on dragoons to take and keep it if possible. So far as his army took form it was on the land of South Bantaskine, the right occupying ground now pierced by the Forth and Clyde Canal. The Highlanders ran to forestall them, seeking speed rather than arrangement, so that they took their positions as they reached the ground, on the west side of a burn running between them and their enemy. The MacGregors arriving first, took their place on the right; and the insurgent force seems to have entirely outstripped the dragoons in the competition, though in some accounts it is said that a part of the dragoons first gained the height. The disposition of the whole army was ruled by the incidents of the race.

The Highlanders occupied the front line, their less nimble Lowland auxiliaries taking the second, while the Prince stood on an eminence in the rear. Both armies, about equal in number, were without artillery, for that of the insurgents was left at Stirling, and Hawley's had been “mired,” as it is termed, in attempts to bring it up. What followed was rather a scuffle than a battle. A wild storm of drift and wind had blown right in the teeth of Hawley's

army, when the dragoons, still mounted, were sent to charge the insurgents. The Highlanders met them with their usual irregular fire, and bore the charge, mixing with the horses, and using their broadswords and dirks in close conflict with deadly effect. The dragoons became confused ; and finding that they could not easily regain their position, rode along the front of the Highland line, where they were assailed with a deadly fusilade. At last they fell back, and the insurgents rushing down after them in full torrent, the mingled mass instantly broke through the infantry, blinded and perplexed by the wind and rain. There was a considerable body of Hawley's troops, however—consisting, it is said, of three regiments—who, outflanking the line of the Highlanders, poured a steady fire on them as they pursued, and threatened, if they continued the chase, to attack their rear. They paused, and Hawley was enabled to carry off his army eastward, leaving between two and three hundred men dead. He appears to have been utterly confused by the unexpected reversal of his confident hopes, for, unpursued, and with a large unbroken rear, he might have taken up his position at Falkirk ; but he moved rapidly away, leaving his baggage and guns. His retreat seems to have been so unexpected, that a part of the Highland army had dispersed in the notion that they were beaten.

On the news of the affair of Falkirk, the Government committed the suppression of the insurrection to the supreme management of the Duke of Cumberland. In a comprehensive survey of all the warlike experiences of his age he had studied the Highlanders and their peculiar charge. He adopted the conclusion that could he once bring his men into condition for receiving that charge with steadiness, the impetuous enemy would be at their mercy. Thus a youth of four-and-twenty deliberately examined and removed the snare into which grey-haired veterans, rashly plunging, were caught. But the duke was no common man. He belonged to an age when high command was in a great measure a royal science, which men of inferior rank had scanty opportunities of studying. He was connected with that cluster of German princes among whom,

after the enticing example of the house of Brandenburg, a knowledge of the art of war was deemed a good speculation as a means of enlarging their dominions in the tangled contests created among the German states by every European war. After Frederick himself, perhaps none of these princes would have been so capable of successful appropriations of territory as the young man whose warlike pursuits were thrown into a different channel by his connection with the British throne. Though the subject of a constitutional government, however, he retained the spirit of the German soldier-prince. Military law was the first of all laws; and to military necessity everything must yield. He followed the course which, perhaps, most men brought up in his school would have followed, if in possession of the same power; but in a constitutional country it won him the character of brutal severity; and after having, as he deemed it, done his stern duty, he left behind him, in Scotland, an execrating country, to find on returning home that his little nephews ran away and hid themselves in terror of his notorious cruelty.

The duke reached Edinburgh on the 30th of January, and left it next day, marching northwards by Linlithgow and Stirling. His force, which ultimately amounted to 10,000 men, with a train of artillery, was augmented by a party of Hessians, who arrived at Leith on the 8th of February, under the Prince of Hesse and the Earl of Craufurd.

The Highland army attacked Stirling Castle, and continued the vain attempt to take it until the news of Cumberland's approach made a retreat so urgent that the powder deposited in the church of St Ninian's had to be blown up, shattering the church to pieces. They reached Crieff on the 2d of February, and were thus near the protection of the Highland line. Here the army was severed, and one division, consisting entirely of Highlanders, commanded by the Prince himself, took the Highland road by Blair Athole; while the other, consisting in some measure of Lowlanders, led by Lord George Murray, took the coast-road by Montrose and Aberdeen. They were to meet at Inverness. In their rapid movements they soon far outstripped the regular troops of the

duke, encumbered by all the conventional arrangements for saving the health of the men, and keeping discipline in a winter march among mountains.

The insurgents, in their march through Inverness-shire, burned the fortified barrack of Ruthven, in Badenoch. When they approached Inverness, the Prince, riding on before the main body of his division with a small retinue, spent a night at Moy House, the seat of government of the clan MacIntosh. As it was known that he was unprotected, a party of the MacLeods were sent to apprehend him, and he had to evade capture by a rapid escape to his army. It is generally said that the party took to flight in a panic terror from an ambuscade which only consisted of the blacksmith of Moy and five followers; and the Jacobites, who were quite as ready to see cowardice and folly in the Highland clan MacLeod as in the English soldiers, gave it a place in their traditions as the "Rout of Moy."

Aberdeen and Inverness were now the headquarters of the two armies. They waited for the final issue until the duke should think it time to move westward. Meanwhile he exacted no farther service from his troops, save the detachment of occasional parties to keep the country towards the Spey clear of Lord Lewis Gordon's followers and their French allies—a service which was rather a protection than a hardship to the peasantry in those districts.

The Prince's army was far more active. Lord Loudoun's small force of independent companies passed northward by the ferry across Moray Firth, and the Lord President, who saw no occasion to offer himself up as a prisoner to the insurgents, went with them. The fortifications built round the old castle of Inverness were, however, left garrisoned by some Grants and MacLeods with eighty regular soldiers, and well victualled. But, little better than a great blockhouse, it was impossible to hold the fort against a large investing force possessed of any kind of artillery. After two days' siege, it was yielded on the 2d of February, and was blown up, as less likely to serve the insurgents than to be employed on some future occasion against them. A detachment was next sent to take Fort Augustus. They surprised and seized an external barrack or outwork, and began regularly to besiege the

fort—a small bastioned square work with glacis and ditch, mounting twelve six-pounders. It might have defied the efforts of its rude assailants, but the powder magazine was blown up, no one seems to have known how, and the garrison surrendered. The detachment marched on to reduce the more important Fort William; but there they were effectively resisted, until they were called away to the closing scene in the conflict.

In devising suitable occupation for the Highlanders during the cessation, it was naturally resolved to attack Lord Loudoun in Ross-shire, where he and the President kept the hesitating Earl of Cromarty, who would have served both sides if he could, from breaking his promises to the Government, and marching with his men to join the Prince. As they advanced, Lord Loudoun crossed the Firth of Dornoch, thus placing between him and his pursuers a long sinuous arm of the sea, which they could not have headed without departing far from their main body, while they had no visible means of crossing the Firth, then protected by a ship of war. Lord George Murray was sent to master this impediment, and with the aid of Moir of Stonywood, it was overcome in an original and effective manner. All the available fishing-boats were collected by scouring the coast of Moray, and when they were assembled in the harbour a dense mist afforded them their opportunity, and the diminutive fleet conveyed the party across. They immediately met, and seized a detachment of Loudoun's men; but the incident gave warning to the main body, who pushed westward, and either dispersed, or with the Lord President took refuge in the friendly island of Skye.

Another more important movement has to be described ere we turn to the concluding scene of the conflict. In some of the districts nearest to the Lowlands, where the chiefs had been active in raising the men, small royalist parties were posted, generally consisting of Lowland volunteers and militia, with a few regular troops. The Jacobites called them parties for wasting the country and oppressing its inhabitants, while from the other side it was held that they protected the humble tenantry from the oppression of the chiefs and landlords who tried to coerce

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them into rebellion. It is certain that in a great measure they performed this function, though they excited much Jacobite indignation by the devastation they committed on the mansions and estates of those who had "gone out." It is difficult to keep any troops from insult to the property of those in arms against them, and the loyalists conducted themselves much after the fashion of the insurgents themselves, who slashed the Whig royal portraits at Drumlanrig House. But, on the other hand, there were many of the humbler people protected from oppression through the occupation of the country by these parties.

A force was sent up early in February to the Athole country, under the command of a tough veteran, Colonel Sir Andrew Agnew. He selected from them a garrison for Blair Castle, while another portion of the force, under Colonel Leighton, occupied the neighbouring tower of Menzies.

Lord George Murray resolved to march a detachment from Inverness, and surprise the parties thus stationed in the Athole country. He collected a force of 700 men, pierced with them the succession of narrow valleys, formidable even in summer, which form the minor passes between Strathspey and the valley of the Garry, and pounced unexpectedly on the party of occupation. He executed very adroitly one part of his service—the seizure of the outposts, or small parties occupying the tenable houses of the feuars on the Athole estates, or of the smaller proprietors in their neighbourhood. The expedition was so effectively arranged, that to the number of thirty these posts were surprised in one night. The party then deliberately began the siege of Blair Castle. But to a mere Highland force without artillery, it was as unassailable as it had been in the earlier wars. The stubborn old Whig who commanded it resolved to hold it to the last, and uttered sardonic sarcasms against Lord George's insane anxiety to knock down his brother's house. The garrison was reduced to extreme want, and time would soon have settled the ownership of the fortalice; but after investing it until the 31st of March, the besiegers, like their brethren at Fort William, were called away to more formidable duties.

At the commencement of April, it was known to the army at Inverness that the Duke of Cumberland had



resumed his leisurely march, accompanied by a fleet of store-ships winding along the coast parallel to his army. At the same time the Prince received information that he must abandon the hope of being supported by a French force. On the 10th the duke reached Banff, and next day he approached the Spey. The first question in the tactics of the insurgents was, whether they should defend this deep and rapid river, deemed in a great part of its course the frontier of the Highlands. Petty works were raised to keep the fords ; but unless it were made with a general effort, resistance at this stage was useless, and the small parties posted on this duty fell back. The duke's army spent the 15th at Nairn, sixteen miles from the enemy. On the same day the Prince's outposts were called in, and the parties straggling through the country, or resting in their own valleys, were summoned back to the central force. His army, imperfectly mustered, took its position in the muirs and enclosures near Culloden House, four miles eastward of Inverness.

It was ascertained that the sojourn of Cumberland's army in Nairn was devoted to a festival in honour of the anniversary of their commander's birthday, and it was thought that their next night's resting-place would afford a favourable opportunity for a surprise. The resolution to attempt it was taken at three o'clock in the afternoon. But there had been great want for some time in the insurgent camp, and efforts to concentrate the army were impeded by the dispersal of many of the Highlanders in search of food. About eight o'clock they set off, and the men were instructed in the duty expected of them. They were to proceed rapidly, and approach the camp stealthily at different points. They were not to use firearms ; but, expecting to find their enemies at rest, were to cut the tent-ropes, and endeavour to upset the poles, stabbing through the canvas wherever they saw it bulge from a pressure within. There is ground to believe that the duke was too well prepared for such a plan being effected, even had they reached his camp.

The night march was arranged and begun ; but the poor Highlanders, debilitated by long hunger, had to struggle, in crossing a pathless muirland country, with a

pitch-dark night. Accomplished as they were in the art of cross-marches by day or night, they failed on this occasion. At two o'clock in the morning the van had only reached Kilravock, three miles from Cumberland's camp; and presently the dawn preceding the spring sunrise would disperse the darkness. The sound of a drum in Cumberland's camp was at the same time audible. Perhaps he was preparing to receive the attack, and all things conspired to prove that the attempt at a surprise must be abandoned. Lord George Murray, who led the van, took the disposal of the expedition into his own hands, and ordered a retreat. The Prince, who was far in the rear, and only knew of this order when it was in operation, was excited to high irritation, and charged Lord George with betraying him. But the cause had now reached that state of calamitous confusion when he did best service who could protract the final catastrophe, and immediate safety was more important than obedience. The army returned to the neighbourhood of Culloden House; and desperate efforts were made to find food for the famished men. Purveying parties, in places previously overlooked, had succeeded in gathering victuals, but the enemy at hand demanded more immediate attention; and the food thus collected was not destined to refresh and strengthen the exhausted mountaineers.

The approach of Cumberland called the insurgent army to form on the open ground beyond the enclosures round Culloden House, called sometimes Drummosy Muir, but more commonly the field of Culloden. It is impossible to look on this waste, with the few green patches still marking the graves where the slain were covered up in heaps, without a feeling of compassion for the helplessness of a Highland army in such a place. It is a wide flat muir, with scarcely a curve, where the mountaineers had nothing to aid their peculiar warfare in high or rugged ground. A better field for steady disciplined troops could not exist. They could see everywhere around, and it was impossible either to surprise them, or subject them, as at Killiecrankie and Falkirk, to a rush from the higher ground. The party sent

to the siege of Fort William, with others who had been dispersed to their own valleys, had now been brought in, and the Prince's army numbered again about 6000 men. But, with the weariness of hunger, they were dispersed resting and dozing in the coppice-wood between Culloden House and the muir, and the covers had to be beaten to bring them out. News of a coming battle, however, was ever a welcome intimation ; and throwing off their listlessness, they formed with much spirit on the western end of the muir, waiting the arrival of their enemy.

The great object of the duke, before recommencing his march, had been to prepare his men for a firm reception of the Highland charge. He knew that on this all depended, and that the two previous disasters had been caused by the men not being rightly disciplined to receive the novel mode of attack. Some writers on military tactics had, in the mean time, proposed alterations on the complex infantry movements of the day, for the purpose of evading the Highlander's target, by directing the bayonet against his right breast. The men were trained during the winter, in some measure, to such a change of motion ; but it appears to have rather been for the purpose of giving them a confidence that might make them steady, than from any belief in the absolute efficacy of the change.

The disposition of the army in the field was made with the view of giving every chance of steadiness to a large body encountering a small force of a formidable character. The principle of arrangement was to be prepared for and remedy a broken front. Accordingly the main body were drawn up in two lines, each of sixteen battalions, those of the second line having a free front in the wide interstices between those of the first, like divisions ranged in echelon. The policy of this adjustment was, that if the front line were driven back, instead of breaking on the second it had a free passage between the battalions, while these could take the charging enemy in flank. The front line was flanked by cavalry, and sixteen cannon were placed in the intervals between the battalions. Behind was a third line, or reserve, of four battalions, with horse on the flanks.

This conclusive battle, as it has been described by Maxwell of Kirkconnel, who strips it of secondary detail, was very simple. The Prince's army was drawn up in two lines. To the right of the first were Lord George Murray's Athole men, with, in succession towards the left, the Camerons, the Stewarts of Appin, the Frasers, MacIntoshes, Farquharsons, Chisholms, the Duke of Perth's Regiment, Roy Stewart's, and finally the MacDonalds on the extreme left. This distribution is said to have given mortal offence to this clan, who claimed to be posted on the right, and there was a rapid dispute about the arrangement, but events followed too quickly to let it be distinctly known whether their Highland pride was so deeply mortified that they would risk for it the general cause. The second line of the army—an imperfect reserve—consisted chiefly of the Lowlanders and the French auxiliaries. There was professedly a field-battery on either wing, but at the general muster the gunners belonging to the battery on the left could not be found, and ordinary men were detached to serve them as well as they could. The Prince placed himself behind the first line, on a slight elevation, where he had the whole field under his eye.

After returning a preliminary shout from their enemy, the insurgents opened their batteries; but the guns on the left were immediately abandoned, for the men found that they could not even make a show of serving them. Some dragoons, with a party of the Campbells, were seen moving from the duke's left towards the bank of the river. As it seemed their design to turn the flank, a detachment was sent to oppose them; but it was too late. Breaking through an enclosure, they wheeled round and formed in the rear; and Lord George Murray required to detach a party to face them. As a ravine lay between them, the two parties thus in the rear of the insurgents remained motionless opposite to each other.

Meanwhile the duke's cannon ploughed the insurgent ranks with deadly furrows. If this were to continue as the method of the battle, it could be but an affair of time. The Highlanders were madly impatient for the usual

rush, which with them always settled matters in one way or another. It was perhaps natural that Lord George Murray should be loath to commit that critical movement, which probably his sagacity fully informed him must be the last ; and more than one direction to advance came from the Prince ere he complied.

When the command was issued, it was so instantaneously obeyed from the right, where it was first heard, that, ere the left had moved, those on the right were running in a confused race forwards. Their line thus, so far as it presented a regular front, slanted from a point near the enemy's left, to the original position of their own left. The mass, thus obliquely advancing, was flanked and torn up by a lateral field-battery. The wind was against them ; a full volley of musketry and grape was poured upon them in front, and while they fell in heaps above each other, the warriors, blinded by the smoke, could see neither friends nor foes. The right was nearly destroyed ere the left had got in motion ; and hence, perhaps, came the accusation against the MacDonalds, of having stood inactive in their wrath about the question of precedence. A small portion of the Highlanders broke through the intervals in the first line, but never reached the second ; and the last man fell by the fusilade, ere that portion of the royal army had to practise the new bayonet motion against the broadsword.

The battle was as rapidly over as the other Highland conflicts. When the utter inefficacy of the charge was felt by the first line, those who survived fled in irretrievable rout. The second line showed some symptoms of steadiness, but it was speedily broken by the fugitives ; and ere many minutes had elapsed from the first charge, Culloden Muir was clear of all who could escape.

The nature of the country sent the fugitives in different directions. One body, taking the open roads towards Inverness, afforded a prominent mark for pursuit, and was mercilessly hunted by the dragoons, too ready to wash out old contumelies with the blood of the defeated. Another and apparently larger party crossed the Nairn, and, less hotly pursued, drew together at Badenoch, where,

finding themselves a force of between two and three thousand, but without a day's provision, they dispersed among the hills.

The Prince, with a few followers, fled along the south-east bank of Loch Ness. At the house of Gortuleg, near the Fall of Foyers, they found Lovat, who, according to tradition, was there superintending the preparation of a feast to welcome the Prince on his victorious return from the field. The two men saw each other for the first time, and a more unwelcome visitant to the hoary intriguer than the Prince—for the delight of beholding whose sacred countenance he professed that his soul had been yearning—could not have appeared. It has been said that, in the bitterness of his disappointment, he met the poor adventurer with angry reproaches. But he was not a man to waste his energies in useless words. He was the only one among the paralysed fugitives who could suggest a distinct plan for breaking the force of the blow. He proposed that a body of three thousand men should be collected to defend the Highlands, until the Government should find it their interest to receive them on reasonable terms; but the suggestion passed unheeded.

To believe that this victory was followed by much cruelty, it is not necessary to believe that the cruelty was wanton. We may be assured from the Duke of Cumberland's character that he was led by a sense of duty. But that duty led him to severity. He was a soldier, according to the German notions of a soldier, and a rebel province was a community to be subjected to martial law. Many of the insurgents, attempting to escape or hide themselves, when detected by well-known peculiarities, were put to death by the soldiery, who, even when they made a mistake and slew the wrong man, could not easily be punished. The duke, brought up in the German military school, seems to have been unable to distinguish between a rebellion suppressed in constitutional Britain, where all men are supposed to be innocent but those proved to be guilty,—and a revolted German province, where every accorded grace to the unfortunate people proceeds from the will of the conqueror. Thus there was

a propensity to subject all the northern districts to something too closely resembling military law or licence.

If the Highlanders were used with cruelty, the inhabitants of some other districts suffered more injustice. In the Highlands every glen or strath was specifically loyal or disaffected, according to the part taken by the chief. Among the clans it was thus easy to know when the troops were in an enemy's country, and when they were in a friend's, and to direct their conduct accordingly. But in Aberdeenshire and Angus, where Jacobites and loyalists were mixed together, the people complained that, after having been harassed and plundered by Jacobite parties, they were now harassed and plundered by the royal troops for having been the object of so much Jacobite attention. Against Hawley and some officers of inferior rank to his, so many charges of personal rapaciousness have been made, that there must have been some foundation for them.

The inferior officers, in their spoliations and oppressions, were too amply justified by orders from their commander, which, however suitably they might have come from a royal general in a revolted German state, were unconstitutional in Scotland, and called for the interference of the civil power to restrain their operation. Instructions were given for the seizure of the property of the rebels by armed parties.<sup>1</sup> It was contended that,

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<sup>1</sup> The following statement of the terms of the general order is taken from an application to the Lord Advocate, by the Captain Hamilton to be presently mentioned, preserved in the 'Glendoig Papers':—

"After the battle of Culloden, which happened on the 16th of April 1746, his majesty's troops were detached into the several parts of that country from whence the rebellion chiefly sprung, in pursuit of the rebels.

"It was given in orders to the officers, to seize the persons, the arms, and the ammunition of the rebels; and in case of resistance, to put them to the sword.

"It was also given in orders, that the goods, their cattle, corns, &c., might be seized, and might be disposed of, and the price divided among the officers and soldiers according to their pay; and it's believed these orders were put in execution in all the northern counties, and that this greatly distressed the rebels, and made the soldiers very alert in searching for and in apprehending the rebels."

except in actual battle, soldiers had no right to seize property—that, whether it belonged to rebels or not, it must be at the disposal of the courts of law, which alone could decide if it were legally forfeited.

The question was tried in an action against Captain Hamilton, of Cobham's dragoons. He had sold some farm-stocking on an estate, distributing the price received among his men; and it was asserted that, while a part of the land might be tenanted by a rebel, the remainder was not. When an application for redress was made to the Court of Session, Hamilton treated the writs of the Court with contemptuous silence, until a warrant was issued to seize him for contumacy. He then defended himself in the usual manner as a litigant, and was found personally liable to a claim of restitution. In the course of the litigation, his counsel pleaded the parliamentary indemnity for acts done in the suppression of the Rebellion. But he, at the same time, justified his client in terms which created high indignation; and it is not improbable that he gave his pleadings their offensive tone fully as much with a design of exposing the system, as of vindicating his client. He produced letters from superior officers—from Hawley, among others—whence he inferred that authority was given to seize the property of rebels as lawful spoil, just as if the army were in an enemy's country. In a rebellious district, it could not be helped if the property of the wrong person were seized; it was the fate of war. Had the officer gone to Galloway, or any other part of the country where it was not deemed necessary to quarter troops, he might have been responsible for exceeding the orders of his commander. But in a rebellious district it was his duty and privilege to pillage the enemy, and if others suffered in carrying out this function, the accident could not be helped.<sup>1</sup>

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<sup>1</sup> See the pleadings in Elchies's Collection of Session Papers, Advocates' Library. One of the letters signed by Wolfe, Hawley's aid-de-camp, had these equivocal expressions: "You know the manner of treating the houses and possessions of rebels in this part of the country. The same freedom is to be used where you are, as has been hitherto practised; that is, *in searching for them and their*



To feel that, even at such a juncture as the suppression of a rebellion, the civil courts had strength enough to save the country from the practical application of despotic doctrines, was eminently satisfactory. But even the inferior and local civil authorities, when they were provoked to put forth their strength, found themselves more powerful than they thought they were, from the risk ever incurred in this country by the soldier who attempts to overawe or resist the civil power. Thus, in Aberdeen the officer in command intimated that the city was expected to make demonstrations of loyal joy on the 2d of August, the anniversary of the accession of the house of Brunswick. The public bells were rung, but the magistrates did not order an illumination, because the citizens had already been intolerably harassed by having over and over to exhibit this manifestation of public joy, "every time the rebels took it in their heads." In the night the soldiers went about smashing the windows. When the magistrates demanded a military inquiry, they were told by the commander, Lord Ancrum, that they were themselves the provokers of the mischief, in declining to order an illumination. But they tried the strength of the civil power, by charging one of the officers with participating in the destruction; and when they issued a warrant for his apprehension, it was not deemed prudent for the military power to resist it.<sup>1</sup>

In July the Duke of Cumberland made a triumphant progress to the capital, hailed at all the great towns as the deliverer of his country. His services did not go without substantial requital; for while President Forbes was in vain requesting repayment of the sums expended by him in keeping insurrection from breaking out, the royal soldier who had put it down with an exterminating sword, received by parliamentary vote a pension of £25,000

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*arms, cattle and other things are usually found."* Another letter bore: "General Hawley bade me tell you, that when any seizures are made of cattle or otherways in this part of the world, the commanding officer and every person concerned have shares in proportion to their pay."

<sup>1</sup> Letter, George Burnet of Kemnay; Bisset's Memoirs of Sir A. Mitchell, 29.

a-year, in addition to his previous income as a prince of the blood.

The slaughter of the field was not long over ere the scaffold was prepared. The Government, which had so signally neglected to protect the country from insurrection, resolved to visit those who had disturbed it with a sweeping and effective blow. An Act was passed before the suppression of the Rebellion, for suspending the law which required all bills for high treason to be found in the counties where the crime was committed. Captives could thus be tried wherever it was deemed most expedient ; and though the main object of the Act did not appear on its face, it was passed for the purpose of conveying the prisoners from Scotland to England, where they would be more readily convicted.

The judicial labours began at London on the 15th of July, with the trial of the officers taken in Carlisle. It was not difficult to bring sufficient evidence against them : for to have been found where they were found, when Cumberland beset the place, in itself convicted them. Others followed, and the courts were kept at work in the metropolis for several months. The greater number of the ordinary offenders were, however, economically brought no farther south than the principal Border towns of England. There were 382 prisoners in the Castle of Carlisle, on whom a commission was opened on the 12th of August. The official and judicial labour of bringing so large a number through the formal ordeal of a treason trial, seemed so formidable, that a method, reminding one of barbarous ages, was found for shortening it. The ordinary men were permitted to draw lots for one out of each twenty, who was to be tried for his life, while the other nineteen were banished by their own consent. Between the twentieth thus provided, and the more conspicuous persons selected as victims, bills were found against 127 men at Carlisle. Thirty-six were acquitted, and several were spared after conviction, on account of the mitigating circumstances disclosed at their trials. The number who were subjected to the usual brutal punishment of treason, appears to have been thirty-three. The most important of

those whose names appear on the fatal list were the two MacDonalds of Kinloch-Moidart and Tyendrish, and Buchanan of Arnprior.<sup>1</sup> Another commission sat at York, from which, at different periods in the month of November, twenty-two were sent for execution.

While the ordinary judges were laboriously occupied with commoners, an august spectacle was presented in the opening of the Lord High Steward's court for trying the noble captives by their peers. After the usual formal preliminaries, the Lords sat in Westminster Hall on the 28th of July, to hear the charges against the Lords Balmerino, Kilmarnock, and Cromarty. The rugged Balmerino stood his trial, fought for his life in an unequal contest with the Crown lawyers, and frankly resigned the contest when he found it was useless. He bravely supported his principles to the block, and his last words were, "God bless King James." This attestation to the sincerity of his principles stood in noble contrast to Kilmarnock, who became a damning witness to the infamy of his own motives, by admitting, in the hour of trial, that his crime was of too heinous a nature to be vindicated. He pleaded eagerly and meanly for his life, but it was not granted. Cromarty followed his example in a modified shape. He did not so abjectly cringe, and he had more to say in his defence, for he had long hesitated ere he had committed himself to the cause of insurrection, and only yielded at last to the solicitations and seductions by which he was surrounded. He was spared, from consideration partly of his inferior guilt, and partly of the critical condition of his innocent wife.

These lords had been tried on bill of indictment by the grand jury of Surrey. Lovat, the last victim, was, from the peculiarity of his case, brought before the House by the more solemn process of impeachment. As he had not actually drawn the sword, his trial involved greater nicety, and a more intricate inquiry into the springs of the insurrection. It was memorable by the appearance of Secretary

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<sup>1</sup> Carlisle in 1745, p. 247 *et seq.* For a specific enumeration of the convictions, &c., see the 'History of the Rebellion in 1745 and 1746,' extracted from the 'Scots Magazine.'

Murray, to lay down in that august assembly the treacherous price with which he bought his life. Lovat himself, though deeply stained in crime, seemed a hero beside the wretch in the witness-box, whom he treated with a scorn that seemed magnanimous. The old traitor, indeed, after exhausting all his ingenuity in a subtle defence, met his condemnation with the stoicism of the American Indian, and left the world like one who, sick of its vanities, had well prepared himself for the imperishable future. The three noble victims had on the whole but meagre claims to pity ; and the most painful feature in the history of the retribution is the large proportion of humble people among the sufferers. They pleaded in many instances, what we know they could say with ample truth, that they had been forced to take arms, and had no other choice before them. But those who administered, for persons living in the Highland Regalities, the laws made for the citizens of London and the farmers of Essex, could only receive such a plea with a half-pitying, half-contemptuous smile, and remark that in this free country no one could plead coercion as a justification of crime. Found a second time, however, producing effects so alarming, there is no doubt that what the judges and Crown lawyers heard at these trials, convinced them of the absolute necessity of immediately removing the coercive power of the Scots aristocracy.

A list of forty-three persons who were deemed of sufficient importance to be attainted by Act of Parliament indicates the large proportion of persons of rank who escaped, and shows that it was not entirely with the consent of the Government that the list of important victims bore so small a proportion to that of the obscure.

He who had been the great cause of all this calamitous history had also escaped. Perhaps it was well, for with such a captive it would have been difficult to deal. The Government of the day, however, must have thought it both practicable and desirable to deal with him, since vigilant arrangements were made to intercept him in all attempts to escape. He did not go unpunished ; and through toilsome dejected wanderings, and privations to the utmost endurance of the human frame, he had opportunities for reflect-

ing whether he had, in unselfish sincerity, followed the divine law by which he professed to be guided—and in scattering around him so much calamity in efforts to grasp a crown, had been truly acting as representative on earth of a beneficent Deity.

When he left Lovat at Gortuleg, he rode hard along General Wade's road by Fort Augustus to the Glengarry country, thence passed westward to Lochiel's country and Loch Morar, and halted for a time in comparative safety at the remote forest of Glenboisdale. On the 24th he sailed in a boat with a small cluster of attendants from Loch Na Nuach, the bay where he had first landed. After encountering a storm which, if it subjected them to hardships, reduced their risk of capture, they next day reached the wild island or isolated rock of Benbecula. In the beginning of June he was conveyed to the Lewis, and made an attempt to obtain a vessel at Stornoway, but was baffled, and with difficulty escaped from the island. Returning to the solitudes of Benbecula, he narrowly escaped capture by a man-of-war. He removed to a safer retreat in South Uist, where he remained for some weeks. Not yet entirely abandoning all hope, he sent a messenger to the mainland to Lochiel and Secretary Murray, who were hiding at Loch Arkaig, but the return he received was as discouraging as the despair of the chief and the nascent treachery of the secretary could make it. In the middle of June, South Uist became an unsafe resting-place, for ships of war were hovering about at sea, and parties of the independent companies who had got scent of the direction of his escape were seeking him on land. In his extremity he had to abandon his few faithful attendants, and skulk alone among the mountains. But he was fortunate, about the 20th of June, in accidentally meeting with the young Highland lady Flora MacDonald, whose name became justly celebrated for a series of humane services in which she combined the hardihood of a strong and brave man with the tenderness of a gentle and cultivated woman.

To the political sect who believed in his divine right this story was enhaloed by a far more solemn lustre. It

was the counterpart of martyrdom endured by the most dignified and illustrious of the ecclesiastics of old. The parallel was exhibited in the idolatry of relic-worship. The enshrined object might be a piece of a shoe that the Prince had worn in his wanderings; a shred from his plaid; a book that he had read. If things so nearly associated with the sacred person could not be obtained, then a chip from the boat in which he had been conveyed to the Isle of Skye—a stone from a cave in which he had hidden, must suffice. It was among a select few only that such memorials, even the more indirect kind, could be distributed; but those who possessed no such precious morsel, could record in some family register, intended for their posterity, the fact of their having, at such a given place and time, touched a piece of the sanctified vestment that had shielded the sacred person of the wanderer.

The story of his wanderings made perhaps the most perfect romance of real life ever told; and wherever it went, it was accompanied by the honourable national characteristic, that passing through the hands of friends and of foes, of reputable gentleman and of robbers, not one of the thousands who knew where to find him claimed the thirty thousand pounds to be earned by a revelation of that knowledge. A people imaginative, national, and gifted with song, are ever on the watch for any stray hero, and when they find him they have a curious self-deceptive aptitude for discovering that he is the hero of their own cause. Nothing could be more antagonistic to Scots political life and the tenor of the national history than the divine right that hedged the later Stewart kings; yet the name of the last representative of their race and cause found its way into the company of Wallace, Bruce, the Douglasses, and other champions of freedom; while Burns glorified it in song, and sent a gift of carronades to the French Convention. Even before the romance of Waverley burst on the world, and obscured by its brilliancy the lesser lights, "Bonnie Prince Charlie" had a romance and ballad literature of his own; and there are those still living who remember the intense love of peasantry and schoolboys for the historical romance that par-

alleled his adventures with the fabulous career of the son of Æneas.<sup>1</sup>

He found refuge in Skye and Rasay, but on the 4th of July retired to the mainland, and was hidden in the wild district between Loch Hourn and Loch Shiel. His presence there was so far suspected that a chain of sentinels was kept up between the heads of the two lochs. But he was enabled, by the aid of a sharp guide, to descend unperceived a corrie close to the point where two sentinels of the cordon had just met each other and were walking back. For some time afterwards in Badenoch he lived with a band of reivers, and fed on the produce of their plunder. It was not until the 20th of September, after wandering upwards of five months, that he was conveyed on board a French vessel which had hovered on the coast to rescue him, and received him in Loch Na Nuach, thus rendered a third time memorable to him. He went to experience in France a blaze of popularity such as might greet a favourite actor. But the popularity passed away from him with better things—with fortitude, temperance, and the remnants of the other virtues. He became subjected to humiliation after humiliation ; until, refusing to leave Paris, whence Britain required his dismissal, he was seized and bound with pieces of ribbon, substituted for chains, as a mocking homage to his rank.

From the cessation of the Rebellion down to the end of the session of 1748, Parliament was occupied in finding

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<sup>1</sup> 'Ascanius, or the Young Adventurer.' The title of a French translation before me is, 'Ascanius ou le Jeune Avanturier. Histoire véritable, contenant un récit très-circonstancié de tout ce qui est arrivé de plus secret & de plus remarquable au Prince Charles-Edouard Stuart, dans le Nord de l'Ecosse, depuis la Bataille de Culloden donnée le 14 Avril 1746, jusqu'à son embarquement arrivé le 18 Septembre de la même année. Traduite de l'Anglais, et augmentée d'un grand nombre de remarques historiques.' There have been many personal narratives of the Prince's wanderings and escapes by people who took their share in some portions of his adventures, and of these the last that has come to light is the most interesting of all. It is called "A True and Real State of Prince Charles Stewart's miraculous Escape after the Batle of Cullodden," written by one of his Companions. It is published in Blackwood's Magazine for October 1873.

remedies for those social and legal conditions whence the Rebellion had been fed. That they were all to be found in Scotland was proved by demonstrative experiments ; for after being created there, the process of rebellion was brought over in full life to England, and there it died. It is observable in the measures adopted that instead of flinging into Scotland some fragment of English law with all its tough technicalities, Scots advice was taken, and the new legislation was fitted to the institutions of the country. The disposal of the forfeited estates was placed in the hands of the Court of Exchequer, and proceeded in harmony with the law and the established tribunals of Scotland, instead of being vested in commissioners who were strangers to the institutions of the country. The first step in the wider remedial legislation was for the House of Lords to require the assistance of the Court of Session in preparing measures for remedying the great evil of the hereditary or heritable jurisdictions. The Court represented that in performing this task they were bound to consider that in the Act of Union these jurisdictions were reserved as private rights ; that they were actual sources of emolument, and that they could not propose as ministers of justice to dispose of them otherwise than by a national purchase of the dangerous privileges for the Crown as representing the public.

They represented further, that, anomalous as they might be in a free country, there were deficiencies supplied in their own rough way by those local courts scattered throughout the distant solitudes of Scotland, which must be otherwise provided for on their abolition. Into the Highlands especially, the arm of central justice was seldom strong enough to enter. The Government had taken the careless plan of letting him who was strongest on the spot administer the law. The system had been abused for all conceivable purposes of mischief ; but, ere deciding that it should be swept away, the Government must be prepared with a substitute, otherwise the remote regions would be left not only without law, but without even such control as the rude old system imposed on the inhabitants. At the head of the arrangements for carrying justice



throughout the land, the system begun in England in the reign of Henry II., for sending the royal courts at fixed intervals through the provinces, was adopted. Nominally there had been circuits or justice-ayres, but they were not systematically held, either at stated intervals of time, or so as to bring up before them the revision of the administration of justice in all the districts. This, indeed, was impossible while the hereditary jurisdictions remained; but now regular circuits were to be made, and courts held twice each year, and the country was so partitioned into districts, that the higher offences were systematically brought up from the most remote provinces for adjudication.

The exceptional hereditary jurisdictions, such as the Regalities, were abolished, and the smaller authority exercised in baronial courts was restricted to trifling matters. The Sheriff-courts, locally commensurate in their authority with the boundaries of the counties, were taken as the foundation of a system of local tribunals, presided over by responsible judges. Those which were hereditary were to be yielded to the Crown; and ever since the passing of the Act, the sheriff of each county has been appointed, like the other judges, for life, removable only for misconduct.

Provision was made for the Court of Session fixing the sums to be paid, as the price of the hereditary jurisdictions, on the application of the owners. This would not, of course, extend to those convicted or attainted, whose jurisdictions would be forfeited, with their other property, to the Crown.

The price given for the jurisdictions thus purchased, was, in round numbers, a hundred and fifty thousand pounds, exclusive of a few trifling sums paid to the holders for life of some petty local offices. The distribution of such a sum among the gentry was not only well suited to reconcile them to the departure of their invidious privileges, but it immediately converted the instrument of oppression and extortion, which cast a blight around it, into a fountain of expenditure and employment. Small as the sum was, in comparison with the wealth of Britain,

there is little doubt that it had a material share in giving to agriculture the immediate impulse caught by it in the middle of the century, by enabling some landowners to improve their property, and give liberal terms to their tenants. The Argyle family obtained the largest individual share in the distribution. It amounted to £21,000; but it bought up their old right of justiciary, which had been reserved to them when that supreme judicature, through the rest of the country, was vested in the Crown. It involved the whole administration of supreme criminal justice in Argyle and the Western Isles, and brought the house of Argyle a considerable revenue. The other sums graduated from £6621, paid to the Duke of Queensberry for the hereditary sheriffship of Dumfriesshire and the lordship of Dalgarno, down to £65, 19s. 9d., awarded to Sir James Lockhart for the regality of Carstairs.

A special Act was passed for abolishing the military tenure called "wardholding." By this relic of ancient feudality, military service had remained down to that juncture the condition under which lands were held by one subject from another. Efforts were of course made to bring land into commerce, by substituting pecuniary arrangements for such services; but the "wardholding" was so essentially the proper feudal usage, that the lawyers held it to be always understood, if some other arrangements were not very specifically settled. It had become the means of very oppressive exactions or "casualties," arising out of those conditions—such as minority—where the military service could not be performed. But, by the Act of 1746, arrangements were devised for converting all the superior's privileges into reasonable pecuniary claims.

At the conclusion of the session of 1746, in which this Act was carried, a general indemnity was passed for political offences in the Rebellion. The only Act which met much resistance in Parliament, was one of those intended to exclude Episcopal clergymen who received their letters of orders from the representatives of the old Scots Episcopal Church, from the toleration extended to those ordained in England or Ireland, and qualifying in Scotland. Doubts having arisen whether an Act passed in 1747 had

been so drawn as to exclude those who had qualified before the date of its operation, another Act was passed in 1748, with retroactive effect. This measure was opposed in the House of Lords, and narrowly escaped after a tough contest. Though it inferred homage to the Church of England, the bishops mustered against it. The spirit of their opposition was put briefly and clearly by Secker: "It seems, in my opinion, to arrogate to the civil authority a power to determine whether a priest has been duly and regularly ordained, or a bishop consecrated, which is a question no true member of the Church of England will allow the civil authority to have anything to do with."<sup>1</sup> This was the last blow administered in the legislative war from the Revolution downward, against the Church that had been forced on Scotland by the Restoration Government.<sup>2</sup> These penal laws remained on the statute-book down to the last year of the century. The passage of the Scots Episcopal Church from harassed obscurity to favour has been attributed to a curious and interesting occasion. When an episcopate of pure apostolic succession was desired for the United States, there was the perplexing alternative to the Church of England of refusing the gift, or imparting it to those who had borne arms against their sovereign. The difficulty was solved by the Episcopal Church in Scotland, as potent as its mighty neighbour in all spiritual gifts and powers.

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<sup>1</sup> Grub, *Ecclesiastical History*, iv. 38.

<sup>2</sup> See the latter part of chap. xci.

## CHAPTER XCIII.

### SOCIAL AND INTELLECTUAL PROGRESS.

THE POVERTY OF THE COUNTRY—IMPERFECT AGRICULTURE—NARROW TRADE—IMPULSE OF THE UNION ONLY BEGINNING—ESPECIAL POVERTY OF THE GENTRY—ACCOMPANIED BY DANGEROUS POWERS—HEREDITARY JURISDICTIONS—KIDNAPPING—THE HIGHLANDERS AS A DISTINCT RACE—THE HIGHLAND GARB—PERFECTED BY AN ENGLISHMAN—CONDITION OF INTELLECTUAL CULTURE IN THE LOWLANDS—THE ARTS—PAINTING AND ENGRAVING—AIKMAN, RAMSAY, STRANGE—DECAY OF NATIONAL ARCHITECTURE—WILLIAM BRUCE—GIBBS—ADAM—THE SCOTS AS A LITERARY LANGUAGE—ALLAN RAMSAY—THE ENGLISH LANGUAGE—THOMSON—DAVID HUME, AND THE RESUSCITATION OF LITERATURE.

It is the peculiarity of the class of matters treated in this concluding chapter, that the more scanty the materials at hand, the more full and complete is the account rendered of what they supply. When we deal with the social, political, and intellectual condition of the ages of chivalry and feudalism, every scrap of knowledge becomes precious for its aid to the completeness of the picture. But when the historian comes to the period of more affluent knowledge, he also comes to the period when the extent of that knowledge is due to the condition that a great part of what he finds is still known in practice, and must be surrendered by the historian of the past to the political and social expounder of the present. Hence each century contributes less than its predecessor to the history of social progress, by casting off the portions that survive, and retaining only those that are the characteristics of a

practical difference between the period under examination and the present generation.

The Englishman who had to cross the Border in the earlier part of last century expressed a shuddering sense of uneasiness and disgust, which, though accompanied with a good deal of exaggeration bred of national prejudice, represented his feelings with but too much sincerity. The general poverty, the bad fare, the tedious, laborious, and dangerous travelling, the filth of the inns and of the city streets, the impossibility of procuring through the ordinary channels of commerce requisites sold in every market-town in England,—have been amply and feelingly recorded by many of those whom official duty or zealous curiosity led northwards. Their sensations, perhaps, have their closest parallel in those of the Englishman or Scotsman of the present day when he first sets foot in the south of Ireland.

When the traveller inquired into the causes of this poverty, and the listlessness ever attending on poverty, he might have been told that it was the result of the Union ; that Scotland was a thriving, a happy, and contented nation in the old days when she was governed by her own people ; but all this had departed, and the natural riches of the country were absorbed by her bloated consort. This was not true ; but things do not always require to be true to be believed. Undoubtedly there had been a general progress onward ; but, far from resembling the rapid advance of later times, it was so imperceptible that its existence might with sincerity be denied. Even some of the most loudly denounced grievances were symptomatic of progress in wealth ; and among these may be found the consumption of tea, which drove Duncan Forbes and many other zealous statesmen frantic, in the belief that, superseding the culture of grain for the manufacture of the national liquor, it would abolish the scanty agricultural enterprise which the country possessed.

Glasgow was the only place where there was the same kind of visible progress in the early half of the century as the rest of the country developed in the latter half ; and Glasgow being prosperous was loyal. The Union revived

the shipping trade, which had been paralysed by the Navigation Act; but it was not until 1716 that the first honest vessel in the West India trade crossed the Atlantic from the western capital.<sup>1</sup> In 1735, Glasgow possessed sixty-seven vessels, with a tonnage of 5600. Of these forty-seven were foreign traders, the greater portion of them crossing the Atlantic. This, small as it may seem, constituted nearly half the shipping of Scotland, the aggregate tonnage of which is believed not to have exceeded 12,342, while that of England was estimated at 476,941.<sup>2</sup>

The country was doubtless preparing for its marvellous start forward, but nothing had yet appeared which outwardly balanced the decay of the gentry, and the loss of retail traffic. The magnificent system of scientific husbandry, which has been the just glory of the country, had not appeared. Its era, indeed, was the middle of the century, and it may be said to have sprung from the ashes of the Rebellion. Before that event, it seems to have been inferior to the English agriculture of the seventeenth century, of which every well-educated reader has made acquaintance in the pages of Macaulay. The amount of land brought into cultivation bore, indeed, a less proportion to the waste than England showed at the Revolution, but it must be remembered that in Scotland there is a larger proportion of irreclaimable wilderness. Though the chief agricultural wealth of the farmer was in cattle, green crops and stall-feeding were unknown. There were no artificial grasses, and the rank herbage growing in moist places, and rejected by the cattle in summer, would be cut and dried to afford them sustenance when the ground was covered with snow. The hay-meadow was a marsh where rank natural grasses grew, mixed with rushes and other aquatic plants; and the sour wet ground not only remained undrained, but was deemed peculiarly valuable from the abundance with which it yielded this coarse fodder.<sup>3</sup>

Throughout those districts which are now familiar to

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<sup>1</sup> Brown's History of Glasgow, 330.

<sup>2</sup> Knox's British Empire, xxxvi.

<sup>3</sup> Sinclair's Report, ii. 3.

the traveller's eye as containing the cleanest and most systematic cultivation in the world—through Roxburgh, the Lothians, and the lower district of Lanarkshire—there was little to be seen but arid stony moor and quaking bog. The deep clays of the carse lands, where they were not buried under moss, were deemed inestimable, from the ease with which they could be brought under the plough. Elsewhere the arable land ran in narrow slips; and one who had good means of knowledge has said that nine-tenths of the corn produced in the country was raised within five miles of the coast.<sup>1</sup>

In the scanty soil, mixed with stones, which covered the igneous and metamorphic rocks, the crofter thought himself fortunate where he could plough a stripe here and there, leaving stony wastes between, like the moraines of a glacier. In the more genial and tractable soil of the south, two-thirds of the surface were wasted by the intervals between the ridges, which were hard unturned soil, strewn with the stones removed from the travelled earth between; and on that earth, thrown up on either side of the ridge, the meagre harvest grew. The system, when better methods prevailed over it, was called "ribbing," or "rice baulking."<sup>2</sup> The scanty manure was conveyed to the field by manual labour; and the unpleasant scene has often been attested by English travellers, of the crofter's wife carrying the unseemly burden on her back. Three or four returns was deemed a good grain crop. Carts were little known; nor, had they existed, would the condition of the roads have permitted their extensive use; and the crop was carried to the market-town on pack-horses, or even by the crofter's family.<sup>3</sup>

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<sup>1</sup> Considerations on the Present State of Scotland—attributed to President Forbes—14.

<sup>2</sup> Sinclair's General Report, i. 350.

<sup>3</sup> "A century ago, where the land was reclaimed, it was generally cultivated upon the system termed outfield and infield, and some of it even on what is termed common field and alternate field, the latter extending even to proprietorship. The properties were often separated by 'marches' of stones, or, still more commonly, by stripes of grass. The little manure that was made upon the farm was always applied to the infield land: the outfield land was cropped till the pro-

Within the Highland line, the condition of agriculture was still more sordid. It has been shown beyond a doubt that the wretched people often bled their cattle to feed upon the coagulated blood, alone, or mixed with the remnant of their nearly exhausted grain. There was not a blade of wheat grown beyond the Lowlands; and none north of the Forth, save an occasional experimental field in the Carse, or the rich flat lands of Moray. The Highlanders ground their grain with the old-fashioned hand-quern; and, as in Scriptural times, two women might be found grinding at a mill. So imminently was the growing grain often anticipated by the wants of the people, that the ears were plucked like fruit when they ripened, and often they were scorched when green, and submitted to the quern to be squeezed into an unwholesome pulp. Iron tools were then almost unknown. The plough was a bit of wood that scratched the earth; and sometimes a wooden spade was justly deemed as effective an instrument. Near Inverness a few small carts were used, with wheels made of boards, which wore with the grain, and soon ceased to be circular. Yet even vehicles such as these were not far behind the Lowland cart with its wooden axle, and the wheel affixed to it; and wretched as is the

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duce did not greatly exceed the quantity sown, and was then allowed to lie waste till it became sufficiently recruited to undergo the same course of cropping. Upon the infield land there were little or no artificial grasses sown, nor any attention paid to a system of alternation. Peas and beans were generally cultivated broadcast, and the cereal crops were grown as long as the land yielded almost any return. Even up to the close of the last century, upon some of the best land in the country, the tenants were bound not to sow less than two white crops in succession—wheat to be followed by barley. The ridges were either straight or crooked, generally twenty to thirty feet wide, and raised up in the middle several feet above the level of the furrow. Some of these are still to be seen in Binning work. . . . Turnip husbandry, which has since entirely changed the whole systems of cultivation throughout the country, was then unknown. A few were grown on some farms, but they were sown broadcast, and were seldom larger in size than an apple. In the neighbourhood of Dunbar, from the large supply of sea-weed, a greater breadth was grown than in any other district, but still broadcast.”—Paper on “Agriculture in East Lothian in last Century,” *Scotsman Newspaper*, 17th May 1851.



character of the agriculture preserved to us by Burt and other early travellers in the Highlands, it may safely be said that Inverness-shire had not accomplished nearly so great a change between 1745 and the end of the century, as the Lothians and the other agricultural counties.

From an early period after the Union, the patriotic gentry published treatises on agricultural improvement, and followed them up by experiments. Lord Belhaven, and his neighbour Lord Haddington, called attention to enclosing and planting. Fletcher of Saltoun carried a Scots millwright to Holland, where, in 1700, he learned how to make fanners. Much to the wonder, but little to the profit, of the neighbourhood, the winnowing-machine was established at Saltoun, where the grain cleaned by it, looked on with some superstitious suspicion as procured by artificially created wind, was called Saltoun barley.<sup>1</sup> It was not until 1737, that, in the neighbouring shire of Roxburgh, the machine was established as an actual means of farming operations.<sup>2</sup>

In 1723 arose "The Society of Improvers in the Knowledge of Agriculture in Scotland." Their Transactions are still read with interest by the scientific agriculturist; and for twenty years they seemed to have struggled earnestly for a practical and effective reform in the wretched system around them. It was destined, however, that until the next national convulsion should come and pass away, every appeal should be vain. They appear to have produced merely isolated local efforts, which may perhaps have propagated the national movement of the ensuing age. Some instances occurred under their auspices, just before the Rebellion, of draining, enclosing, summer-fallowing, and sowing turnips and grass-seeds, in Roxburghshire; but there was no general system, and they were rather the curious experiments of improvers, than regular operations from which specific profit was to arise. The growing of potatoes was introduced in the west in 1740; and the root, through that rapid but insecure facility of production which has since made it so calamitous, soon

<sup>1</sup> Chalmers's *Caledonia*, ii. 491.

<sup>2</sup> *Ibid.*, ii. 243.

became popular.<sup>1</sup> It was not, however, until after the Rebellion that it became an element of systematic field-tillage; nor indeed did the system of the drill-plough, turnip husbandry, rotation of cropping, and chemical combinations with the soil, exist even in the favoured southern counties until the middle of the century.

The small local attempts at improvement indeed, occurring before the Rebellion, were accompanied by signally unfortunate coincidents, which made agricultural advancement seem but a new calamity. In Nithsdale and Galloway, some attempts were made, in 1725, to enclose land, preceded by the ejection of several crofters, and the enactment, on a small scale, of what has since been seen in Ireland on a great. The district owned many Cameronians, not the most placable or reasonable of men, and the people rose in embodied resistance; committees were appointed to level enclosures; and a sort of agrarian parliament was held at Kirkcudbright, where the people were invited to state their grievances.<sup>2</sup>

The sufferers appealed to the world, admitting that they had destroyed the enclosures, raised contrary to the laws of God and man, under dire oppression, manifested in driving the poor from house and sustenance, to increase the luxuries, the pomp, and the pleasures of the rich. They put forth a strong case of inhumanity, asserting that in several instances fifty or sixty families in a parish had been abruptly driven from their homes, to wander helpless and hopeless through the country; and they reminded the Government that these were of the peasantry who had been truest to their cause in the Rebellion, and were least tainted with disaffection.<sup>3</sup> Such an event was

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<sup>1</sup> Brown's History of Glasgow, 168.

<sup>2</sup> Wodrow's *Analecta*, iii. 52, 157, 210.

<sup>3</sup> 'An Account of the Reasons of some People in Galloway, their Meetings anent Public Grievances through Inclosures.' It is here said: "And when complaints of this usage have been made to some of them [the landlords] they answered, 'Drive them into the sea, or let them go abroad into the plantations, or else go to hell.'" Among the other pamphlets appropriate to the question, was printed 'The Opinion of Sir Thomas More, Lord High Chancellor of England, concerning Inclosures.'

calculated to chill the spirit of improvement ; but it was not repeated when subsequent wider efforts were made, for they were welcomed by the common people as well as the gentry, and looked to as the sources of general prosperity. There are few symptoms of so wide and healthy a change in the character of a people, as may be found in comparing such incidents with the hearty co-operation which, in the subsequent and more fortunate generation, aided and advanced, instead of interrupting and embarrassing, agricultural improvement.

The vast manufacturing enterprise which has distinguished Scotland, was as unseen and as unanticipated in the early part of the century as her agricultural progress. All who interested themselves in this element of prosperity, of course sought for it Government encouragement and protection. According to the received political economy of the day, they endeavoured to discover a staple trade for which the country was supposed to possess peculiar facilities, so that it ought to be encouraged as the main article of produce for exportation ; while the other productions, which neighbouring countries could furnish as well or better, should be discouraged. The manufacture fixed on was that of linen, and it thus received early adventitious aid from the British legislature.

Great expectations were sometimes founded on the clause of the Treaty of Union which required that the proportion of new taxation in Scotland which went to the payment of any of the old debts of England, should be employed in "encouraging and promoting the fisheries, and such other manufactures and improvements in Scotland as might most conduce to the general good of the United Kingdom." There were frequent demands, especially from the royal burghs, for the fulfilment of this stipulation ; but there was a preliminary impediment in the complicated character of the national accounts. In 1718, an Act of Parliament proclaimed that insuperable difficulties had been found in adjusting the proportion out of the new taxation which would be paid by Scotland for the old debts of England, and ought to be expended for

the benefit of Scotland in terms of the treaty.<sup>1</sup> It was arranged that two funds should be fixed—the one of ten thousand, the other of two thousand a-year, which should stand as a commutation or fixed adjustment of the fluctuating equivalent. The former was devoted to the payment of the old debts of Scotland, and some other claims, while the smaller sum was to be entirely devoted to the encouragement of fishery and manufactures; and in the mean time it accumulated as a fund for that purpose.<sup>2</sup> In the offensive Malt-Tax Act of 1725, it was provided that whatever the duty produced above twenty thousand pounds was to be put into the hands of trustees for the encouragement of fishery and manufactures. The arrangement was completed in 1726. Statutory regulations were then enacted for the linen trade, and commissioners were appointed for its regulation, who were intrusted with the funds for the encouragement of industry which had heretofore lain dormant. Thus was created the Board of Trustees for the encouragement and improvement of manufactures, which still exists.<sup>3</sup> It arose out of some earnest appeals by the royal burghs, and their activity was of itself probably productive of more genuine prosperity than the Government board which it immediately obtained. The symptoms of attempted resuscitation at this period are shown by the establishment, in 1726, of the Royal Bank, in com-

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<sup>1</sup> 5 Geo. I., c. 20. The Act makes itself a very happy echo of the difficulties encountered, by an effort to describe them in a single sentence, which fills twelve closely-printed pages.

<sup>2</sup> The amount of Scots debts had, by running several years in arrear, amounted from the round sum of £160,000, at which they were estimated at the Union, to £230,308, 9s. 10½d. Along with this was set forth, in the Act of 1718, the sum assigned by Parliament to Paterson, £18,241, 10s. 10½d., the whole amounting to £248,550, os. 9½d.—the funded capital on which the £10,000 a-year was to provide the interest. That Paterson, if he was then alive, ever received any portion of the fund so reserved to liquidate his claims, has been already referred to as doubtful.

<sup>3</sup> See Lindsay's 'Interest of Scotland Considered,' 1733; 'Memorial from the Linen-dealers, &c., of Forfarshire;' and the Report on the Board, by Mr Shaw Lefevre, in 1847. It appears that in 1743, the whole linen stamped did not exceed £30,000 in value, and yet was supposed to amount to half the manufacture of Scotland.

petition with the Bank of Scotland. The two enjoyed the banking business of Scotland down to the year 1746, when the third of the three great Scots banks was chartered. It had existed at an earlier date for the purpose of fostering the linen trade, and hence it is still known by the name of "The British Linen Company of Scotland."

The manufacturing enterprise of the country, though it had shown some vitality before the insurrection, was still, like the agricultural, faint and partial. Causes of future doubt and distrust seemed still to hover over men's minds ; and the air had to be cleared of mischief ere they could set freely and heartily to the great function of national industrial progress. It did not serve to neutralise the evil influence of this depression, that it extended upwards from the middle classes and common people. Indeed, one of the main direct causes of the Rebellion was the poverty of the aristocracy, and especially of the Highland chiefs. The intensity of this poverty is scarcely conceivable in the present condition of society. Men enjoying a semi-regal power, who, if they were visited in their Highland fortalices, were found in the midst of a mob of retainers, and could, by a stretch of the feudal right of purveyance, place before the stranger an abundant meal, would be found unable to command a few shillings in money. When living among their followers, they might manage, by a mixture of parsimony and greedy tyranny, to support their families ; but they could not appear in Edinburgh, far less in London, with external attributes placing them in the rank even of the humble citizen. The conventional reluctance to seek a living in useful occupations defeated itself, and many of the proudest scions of ancient races had, in the end, at once to descend into occupations of the humblest kind, and sometimes to pass below the stratum of decency and respectability. While the middle order of gentry were scorning the drudgery of the counting-room, a noble family was found claiming the right to keep a gambling-house in London by privilege ; and a peer, more fortunate in his choice, was attending, in humble respectability, a glover's shop in Ayr. Balmerino talked, with his usual frank recklessness, of his utterly desperate fortunes, which could

not be worse. Kilmarnock, if we may credit Walpole's contemporary notices, used to prowl about London like the victim of dissipation in the modern novel, hoping to extract from some humble friend a semi-charitable dinner.

What rendered this poverty so formidable, was the power with which it was allied. "Poor twelve thousand a-year," said Pennant, in the spirit of an English squire, "nearly subverted the constitution of these kingdoms." Had the revenue been ten times as great, it might have afforded little more power—it would have withdrawn the main temptation to perpetrate this feat. The greatness of this power arose from the feudal jurisdictions, unfortunately reserved, as we have seen, by the Treaty of Union. The office of sheriff of the county was frequently vested by hereditary right in some important landowner. He was, it is true, but a subordinate judge; and recourse lay, in grave questions, from his judgments to the supreme courts. But his power, if the supreme court were not called to intervene in the proper form, was of the most formidable kind. He could not transport, because his authority did not reach beyond his county—and transportation, in the modern fashion, was scarcely then in use; but he could hang. It will easily be believed that the occasional petty tyranny of English justices of peace in modern days would be but a faint echo of the despotism which a landed proprietor, invested with these high judicial attributes, could inflict on the people of remote and unknown districts. But besides these sheriffs, many of the great landlords were Lords of Regality within their own estates. The Regality, like a Palatinate, was a separate little kingdom carved out of the realm, where a great man was indulged with a gift of supreme authority. The lord of regality, unlike the lower grade of hereditary judges, exercised the power of the regal courts within his bounds. The judicial records of Scotland preserve an interminable series of contests between the central ministers of the law and these lords of regality, ever endeavouring to shield some follower from justice by "reclaiming him," to be dealt with in their

own courts; or attempting, with their irresponsible powers, to perpetrate some act of feudal vengeance under the form of justice. Gradually the powers of these little tyrants had been reduced from their old flagrancy; and when a criminal belonging to a regality was put on trial before the supreme court, the lord of regality's representative might sit on the bench along with the king's judge, but he was not to claim the criminal as his own, and carry him off to be dealt with as his chief and kindred might determine. Thus the law, in some measure, deprived these potentates of the power to shield those who were seized for acts of feudal vengeance or depredation on their neighbours; but the law did not yet deprive the lord of regality of his power to punish any one within his own territory whom he might single out for vengeance.

His power was coextensive not only with the estate in his actual possession, but with his feudal superiority, as it was called, which, by the system of Scotland, different from that of England, permitted the seignorial or freehold right to be retained while the land was substantially in the possession of another. Thus the owner of an estate, however extensive, if it were held of a superior who owned a regality, would have to acknowledge in his next neighbour his supreme judge, with power over him of imprisonment and death. Two ominous ensigns of power desecrated the territory of the regality—the "Pit," or prison, and the Gallows; and it was sometimes the lord's despotic pleasure to place the offensive instrument of ignominious death so that it overshadowed the lands of some neighbour offensive to him, who had the misfortune to hold of him by feudal tenure.<sup>1</sup>

In the regality there were many municipal and social

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<sup>1</sup> "I was once consulted," says Sir George MacKenzie, "whether a lord of regality might place a gallows upon any part of his vassal's land lying within his regality; and at first it seemed that he might." Yet he thought there ought to be limits to the choice. "If there were any apparent design of affronting the vassal, I believe he could not use this privilege, as if he did offer to place the gallows at his vassal's gate, or at his garden door."—*Laws and Customs*, 410.

powers ; and the Bailie, or representative of the lord, was in the same position as the chief magistrate of a town, save that he was delegated by an autocrat, instead of being elected by a municipal community. There were many instruments of vexation and petty tyranny to keep the district enslaved to the superior, in the assessing and levying of tolls and customs, and the regulation of markets, weights, measures, and the like. Among other conditions which co-operated with these powers in the depression of the humbler agricultural class, the consideration which the tenant gave for his farm, instead of rent, was some relic of old feudal exactions, such as those which afterwards roused the peasantry of France to frenzy. There were many payments in produce or in services, which were never so distinctly defined but that there was room for the exercise of oppressive exaction when a landlord was tyrannical. At the same time, some of the exactions from the tenant class were direct feudal servitudes, and were so called. They were not rendered to the landlord as owner of the ground, but to the superior, in token of vassalage. Common thus to the whole country was "thirlage," as it was termed, to a particular mill for grinding the tenant's grain, subjecting him to pay customary duties to the feudal superior ; and in more rare instances there was a similar obligation to bring the grain for malting to a feudal mill.

The correspondence of the period and other contemporary indications of the state of the country, contain profuse evidence of the grinding tyranny exercised by the various classes of hereditary judges. It might be that, near the seat of justice, the law-officers of the Crown and the supreme court, taught in the English school of central and responsible judicature, restrained acts of flagrant injustice or cruelty. But in the remote Highlands this arm was utterly paralysed ; and one who, to the patriarchal power of the chief, added that of the feudal lord and the supreme judge, exercised a despotism as irresponsible as any Turkish pasha or French seigneur of the old monarchy. That such a system should have been tolerated into the middle of the eighteenth century, after Somers,



Hardwicke, and Forbes had occupied the bench, may seem incredible, but it is true.

The casual stranger from England, who found his way into the Highlands as an officer of the disarming companies or an engineer of Wade's roads, contemplated the system with a kind of shuddering surprise. He viewed it with that imperfect and dubious sense of personal security with which the traveller of later times has witnessed the execution of quick justice at the courts of a Mehemet Ali or Runjeet Singh. The Englishman is exempt from the terrors of their despotism by the privileges conceded to his powerful nation; but in the presence of capricious power, there is the uneasiness of one who plays with a tamed tiger, on which there is no reliance. And so sometimes felt the stranger in the Highlands. If well accredited, he met profuse hospitality, and was allowed, in the courtesy due to a stranger, the temporary use of the patriarchal power, as a slaveowner might put his property at the service of his guest. If he had any wrong to complain of, the courteous chief would at once avenge it, and promise him the inexpressible pleasure of seeing the offender hanging in front of his bedroom window when he rose next morning, unless he would prefer a present of the head as a memorial of Highland courtesy. Such savage favours were apt to engender uneasy doubts in the mind of the stranger, remembering how far he was from the hand of the law, especially when he found that not only the native followers of the chief, but all who entered his territory, were subject to his patriarchal justice.

Burt, the English officer who has preserved so many curious notices of the Highlands, found a fellow-countryman, an English footman, enslaved by one of these potent chiefs. He had been wiled by tempting promises from the pleasant pastures, the social happiness, and the freedom of his native land, to that grim wilderness with its dungeon and gallows—and return was hopeless. The visitor, like a prudent man, felt that he durst not interfere, and thought it unwise that he should be seen talking to the desponding Saxon, while the chief, in all his tartan glory, and with broadsword and pistols, was parading up

and down, and casting around him suspicious and dreaded glances. There existed indeed, at that time, a considerable amount of practical slavery in Scotland—Lowland as well as Highland. Two classes of workmen were actual predial serfs—colliers and salt-makers; and the law authorities of the day talk of their serfdom as a necessary though unfortunate condition of the existence of society—as the impressing of seamen and American slavery have been spoken of in later times. The powers which the law gave for the interpretation of bargains with ordinary servants, and the retention of their unwilling services, were very arbitrary and tyrannical. A lord of regality, or the friend of such a person, could of course do what he liked in such a matter—could make the bargain and the law to suit his views and interests. The only recourse of the poor servant, like that of the slave in slave-holding countries, was in flight; and advertisements, offering rewards for the capture of runaway servants, were common in that age in Scotland.

Still the law professed to abhor abstract slavery. Towards the end of the preceding century even, the courts of law had refused to acknowledge the right of property in the owner of “a dancing lassy;” and some proceedings in the supreme courts, soon after the Rebellion, showed a disposition to deny the claim of ownership over negroes brought to Scotland. Whatever amount of personal oppression there might be, there was no means of making money by it in traffic within Scotland. But there was a means elsewhere, and it was not overlooked by the owners of the heritable jurisdictions in turning their valuable powers to the best pecuniary account. We have already come across the young men to be sent as slaves to the plantations, while yet the great African source of supply for labour in tropical climates was but in its infancy.

Kidnapping in Scotland and the north of England increased with the increasing value of the South American plantations. Our system of transportation to penal colonies had its rise in the supply of this labour-market. On conviction for secondary crimes, sentence of death was

commuted for self-exile to a plantation. Thus statesmen congratulated themselves on what they vainly deemed the easy solution of one of the toughest social knots—the best system of penal justice; they saw the country rid of its moral curses, while the planters obtained the compulsory labour so much desired. The Highland lairds, with their hereditary jurisdictions, found it extremely convenient to follow the example thus set. Their authority did not enable them to transport convicts; but when the gallows was in the background, they had little difficulty in persuading those who came under their wrath, that it would be well not to be clamorous, but submit at once to the alternative of entering as an “apprentice” in one of the American plantations. Some of the Highland potentates increased their scanty incomes by prudently turning their judicial powers in this profitable direction. It laid, however, a considerable tax on the skill of the speculator, for if not judiciously used, it might produce disagreeable consequences. The chief was the father of his own clan. He might, as representative of the aggregate voices of the clan, or at least of the soldier-class, who alone were listened to, be severe to any individual member. But he would find it unsafe to do anything that might excite the fears and wrath of the clan against him as a general oppressor, and a betrayer of his people into the hands of the alien. On the other hand, every man belonging to a rival clan seized and sold, was of course an injury to be accounted for. Thus those who entered on the kidnapping business, required to be circumspect; and it is probable that the victims were generally those men of broken clans, who had no chief to stand surety for them in their difficulties, and organise them for service; and who, living by miscellaneous plunder, were the most easily caught and disposed of.<sup>1</sup>

This trade came suddenly to an end when, at the conclusion of the insurrection, the hereditary jurisdictions were abolished; and there would have remained no traces

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<sup>1</sup> Among the other abundant evidence on this practice, much will be found throughout the Culloden Papers.—See p. 118 *et seq.*

of its existence in Scotland, save a few fugitive notices in letters and memoirs, that might have been explained away, had not one of the victims returned to the country in the days of a stricter administration of justice, and told his story. His name was Peter Williamson. He had been kidnapped in the streets of Aberdeen when a boy about ten years old, and sold to an American planter three or four years before the Rebellion. He had many adventures. In shifting of ownership he found himself at one time treated with harshness as a mere slave—at another with indulgence as a clever assistant. He was taken by the Indians, and lived among them, holding rank in one of their nations. Finally, he found himself, among the revolutions of his fortune, again in his native country, with the necessity of discovering a means of living.

In his extremity he sought to turn his calamities and adventures to profit. He printed an account of his adventures, and passed from town to town selling his book, and acting over some scenes in his career to those who paid a trifling sum to see them. Thus passing from place to place, he reached his native city of Aberdeen about the year 1765. Times had greatly changed; and the abolition of the hereditary jurisdictions rendered it not only impossible to commit such crimes as Peter Williamson had suffered by, but very necessary that all trace of their ever having been perpetrated should be obliterated. The appearance of the adventurous exile, who had to tell so dramatic a personal history, from the time when, playing a careless boy on the pier of Aberdeen, he was kidnapped by one of the magistrates, and committed to the common jail, to wait till he could be safely exported, spread consternation through influential circles. On considering what should be done with Williamson, it was insanely resolved to take the high hand, and prosecute him before the local court for defamation, with the belief that his oppressors had still local influence enough to get him punished.

There were then at the Scots bar some men of high spirit, whose views of civil freedom were as bold as Fletcher's, and far more distinct and consistent. They

thought that the history of this man—kidnapped in a British town—sold into American slavery—and finally committed to prison for telling his hardships, by the men who had inflicted them—pointed at conduct scandalous to British and Scots liberty, which ought to be investigated and exposed. The result of the investigation was to open a frightful view of the tyranny exercised by the upper towards the humbler classes, before the Rebellion and the extinction of those hereditary jurisdictions which conferred so much irresponsible local power. It was proved that the kidnapping system dispersed terror among the parents of healthy likely boys throughout wide districts round the seaports—that there were innumerable domestic legends of boys who, straying somewhat far afield, had been met by some gang of kidnappers, and were never again to be seen or heard of by the sorrowing parents, who wondered if they had been haply lost at sea, or were hoeing the sugar-cane, at the instigation of the 'driver's lash, beneath the blazing sun of Jamaica or Virginia.<sup>1</sup>

But the most emphatic of all the social peculiarities of Scotland was exhibited to the world on the appearance of that army—strange, uncouth, and utterly foreign, as if it had come out of Central Asia—which marched into the cultivated plains and through the growing cities of England, and then marched back as mysteriously as it had gone thither. The strangeness of this people—their gaudy, un-British, and almost un-European costume—their traditional military tactics, as different from those of ordinary troops as the discipline of the janissaries—the preponderance of dark, oriental complexion—their foreign tongue—must have all told of an alienation in race, customs, and common feeling, which lay deep at the root of the outbreak, and should have taught the country not to feel safe with so many natural enemies within the cincture of its ocean boundary. But strange as the sight itself was

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<sup>1</sup> See a volume of law papers, in the Advocates' Library, on the case of Peter Williamson. Extensive reference will be found to the contents of these papers in an article on Peter Williamson in Blackwood's Magazine for May 1848.

to England, and the news of it to the rest of the world, it was yet a stranger thing to know that in Scotland it was a foreign element ; that there could not be found to set against the Highlander any people that in social condition, temperament, and appearance, as he walked abroad, stood more thoroughly in contrast with him than his Lowland neighbours.

A great part of this history has been written in vain, if it has not supplied what is known about the relations between the Highlanders and the Lowlanders, from the days when the wanderers crossed over from Ireland, and came under the religious authority of St Columba, downwards. What is most emphatic about the condition of the Celt thirteen hundred years later, is the slightness of his departure from the condition in which he is first known, while all the other inhabitants of the island where he lived have passed through a course of never-resting variation.

We must not judge of the untamed Highlander by his subdued descendant. Putting aside the exaggeration of city romancers, it is natural in itself, and there is abundant historical evidence to show, that the Highland combatant of old was nearly as much superior to the client of Relief Committees in the present day, as the decorated Indian chief to the wretch who skulks through the American city in a tattered blanket. The eminence, however, was evidently only in a class ; the humblest grade cannot be more depressed than they were in the days of Highland pomp and heroism. It has created perplexity to find some contemporary memorials of the Highlander speaking of his great strength and warlike skill, while others refer to his sordid, scantily-fed, and listless servile existence, on the perpetual borders of starvation. Both accounts are substantially correct, but they refer to different classes. The gentlemen of the clan, like the Indian "braves," were carefully nurtured in all that was necessary to make them effective warriors. They were athletes, and cultivated the games which convey strength and activity to the frame ; but they never sullied their hands or bent their backs by any toil that was not connected with war.

The women and inferior persons ministered to these dignitaries of the clan, whose martial step and haughty bearing, in all their gaudy tartans, was like that of the contemporary janissaries among the rayahs, or the mamlukes among the fellahs. It was among these favourites, who enjoyed whatever luxuries the clan possessed, and were ever ministered to, that men of marvellous strength and agility were produced, who gave their countrymen a wide renown in the annals of physical triumph. So completely was their position towards the humble commons of the clan that of a superior caste, that ethnologists have carried out the theory of races to this distinction, and have maintained that all the Highland gentry were of a Gothic race, commanding respect; while the humbler people were of the Celtic race, whose fate, like that of the pariah and the negro, it was to serve and suffer. But whatever may be attributed to this influence, becomes mixed with that of the great contest between the two races, and the subjugation of the weaker by the stronger. It would even appear that in very early times, when they conducted their depredations more systematically and extensively, the humbler followers were better off than we find them from the Revolution downwards.

By the humble classes all the necessary labour was accomplished. It was as little as it possibly could be, for labour and trade were looked upon by the whole race with a dislike that amounted to loathing. They could allow no wealth or vastness of transactions to extinguish this degradation. Such attributes rather increased it, since they showed that the revolting occupation was not forced on the perpetrator as on their own helots, but was voluntarily adopted by him for the basest of motives. In their nomenclature, a merchant was a pedlar, a silversmith or jeweller a tinker, while the profession of a tailor extracted from good breeding an apology for the necessity of alluding to it. On the other hand, the labours that provided for war were dignified. The gunsmith or armourer was a very great man—sometimes the head of a dynasty; so was the piper, who took his licence from a college of his own peculiar kind of music.

We have seen, in the reign of James VI., an ineffectual attempt "to plant" the Lewis. More than a century later, an English trader, believing that the Highlands, from the unapplied natural productions, the lowness of wages, and various other features, which would have been of unquestionable value could he have found them in Yorkshire, would afford a valuable opening for an enterprising speculator, resolved to take advantage of so obvious an opportunity, and created a company to carry out his project. His chief design was to establish iron-smelting works in the centre of the vast forests which then clothed the mountains of the Glengarry country. He established himself at Invergarry, on Loch Oich, from the western extremity of which a short canal afforded him communication with the sea. Besides conducting his iron-works, he set about the general improvement of the district in agriculture and domestic economy; but it was a vain attempt. His grain was trodden down, his fences destroyed, his barn and his dwelling-house were burned, just as they might have been in Ireland at a later time; and to complete the parallel, he felt himself in personal danger, and narrowly escaped from at least one attempt on his life. The place he had selected was well chosen for his projects, if forcible aid could have carried them through, as it was on the new military road between Fort William and Fort Augustus; but he found it necessary to abandon the attempt, and rid the country of the hated presence of the intruder.<sup>1</sup> The social antagonism between Highlander and Lowlander will help us over the anomalies in such a career as Rob Roy's. We find him sought by the law as a farmer and grazier who has got into difficulties and has committed fraudulent bankruptcy. The hue and cry becomes laden with the heavier charges of theft and robbery. Presently he crosses the stage as a military commander and a statesman. The one set of characteristics was imputed to him in the plains below the pass—the other was conceded to him in the heights above. We find him on one occasion taking the measure generally of

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<sup>1</sup> See Burt's Letters, i. 264.



his social condition. He had seized the deputy of the Sheriff of Dumbarton. When writs were out against him for this outrage, he wrote to the Sheriff—the Duke of Montrose—suggesting a meeting and an amicable conference on all the points in dispute between them.

That the Highlanders, though they had scarcely enjoyed the use of arms in any gregarious conflict for thirty years, should have retained the perfect command of them, and should have fearlessly counted like trained soldiers on the result of a battle, shows how entirely their hearts lay in war and their education was that of the soldier. A new generation must have been silently trained in arms after the disarming Act, and around the garrisons supposed to be keeping the district in peaceful awe. Here, as in other features, they showed a propensity utterly unlike that of the Lowland or English peasant, who, however brave he be, and however formidable he can be made, keeps up no innate spirit of warfare ; but after a few years of peace, is found to have turned his sword into a pruning-hook, and to require complete re-drilling. In later times, and with the more effective measures taken to break his spirit, the Highlander's indolence became that of the hopeless burden of the earth ; but during the thirty years intervening between the two Rebellions, it was that of the haughty soldier who is prepared for the coming though long-delayed strife, and scorns to defile his hands with sordid labour.

In the notice of those peculiarities which severed the Highlanders from their nearest neighbours, it would be unpardonable to omit that peculiar clothing called the Highland "costume" or "garb." There have been, and perhaps there still live, inquirers who would have given this matter an earlier place in the history of Scotland—would have perhaps produced to us Galgacus all plaided and plumed in his tartan array, as he delivered his celebrated speech before the battle of the Grampians ; but I place it where it is for the reasons that follow.

I find the earlier accounts pointing to a different kind of dress, consisting chiefly of skins, with linen instead of woollen, and sometimes the saffron-dyed shirt, like that at-

tributed to the Irish. They frequently mention bright contrasted colours as a passion of the people, but certainly indicate no specific form assumed by it, or heraldic character in the adjustment of patterns.<sup>1</sup>

It is probable that the checkered plaid, shawl, or blanket came into use in the Highlands almost as soon as woollen cloth became a staple manufacture of Scotland. A large blanket, as the sole covering by day and night, is among the first resources of an uncivilised race, when a textile fabric supersedes the skin of wild beasts. Throughout Scotland, the woollen manufacture obtained an early celebrity, and was fostered with great jealousy. The country was especially famous for the production of large plaids and loose mantles. The women wore becomingly over their heads shawls or "screens," sometimes of one bright colour, such as red or green, and occasionally wrought in a check-pattern like the modern tartan, but without any reference to clanship in the disposal of the colours. In all parts of Scotland—as, indeed, throughout many parts of Europe—the large heavy plaid or "maud" was used as a convenient loose mantle, peculiarly acceptable to the dwellers among storm and mist. The Lowlander's plaid was generally of plain light and dark squares; the Highlander, indulging the natural taste of a lower civilisation, delighted in more gaudy colours. Different districts seem to have maintained each its prevailing pattern, in so far that it might be known by the general hue of his garment whether a man came from Argyleshire or Badenoch; but it is impossible to believe that the rigid division into clan-checks now attributed to the tartan could have existed and remained unnoticed.<sup>2</sup>

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<sup>1</sup> The most remarkable passages bearing on this subject in the older writers will be found collected together by Dr William Skene, in "*Collectanea de Rebus Hibernicis*," published by the Iona Club, 25, 52. This collection has the merit—very rare, in connection with its subject—that its accuracy and genuineness can be relied on.

<sup>2</sup> The earliest notice of different patterns in different districts, appears to be that of Martin, in his *Account of the Western Isles*, written at the commencement of last century: "The plad, wore only by the men, is made of fine wool, the thread as fine as can be made of that kind. It consists of divers colours, and there is a great

In the absence of all distinct knowledge on the subject, it may possibly lead to a solution of the difficulty, to remember that events in the seventeenth century made a material difference in the costume of clans important. In the wars of Montrose and Claverhouse, when they were brought together in clusters of separate companies or battalions, the same convenience which suggested regimental facings and badges, would suggest a difference in the pattern of the tartan. If the clan distinctions began gradually to arise, which perhaps they did at an earlier age, it is possible that the great convenience of such distinctions, and the opportunities which the several groups possessed of comparing each other's patterns of tartan in these great warlike gatherings, may have led to the stringent classifications of later times.

It is, perhaps, to the same class of events that we owe the expansion of the many-coloured blanket of the mountain savage until it became the richly decorated garb of the Highland chief, and finally swelled in grandeur and estimation until it became the uniform of a prince at the head of an army. Neither in the representations nor the descriptions of the great Highland leaders of early times,

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deal of ingenuity required in sorting the colours, so as to be agreeable to the nicest fancy. For this reason the women are at great pains, first to give an exact pattern of the plaid upon a piece of wood, having the number of every thread of the stripe on it. The length of it is commonly seven double ells. The one end hangs by the middle over the left arm—the other, going round the body, hangs by the end over the left arm also. The right hand above it is to be at liberty to do anything upon occasion. Every isle differs from each other in their fancy of making plaids, as to their stripes in breadths and colours. This humour is as different through the mainland of the Highlands, in so far that they who have seen those places are able, at the first view of a man's plaid, to guess the place of his residence."—P. 207.

In the pamphlet called 'The Conduct of the Well-Affected in the North,' a clan in one pattern of tartan is spoken of as if it were by no means a necessary rule in 1715. Of Brigadier Grant, it is said that "his men were orderly paid at the rate of sixpence a-day, well armed and clothed, ordinarily in one livery of tartan, and furnished with all other necessaries to defend them from the rigour of the season." In Lady Grange's account of her capture, she says the ruffians were in Lovat's "livery," which has been interpreted as his tartan.

do we find any trace of the modern Highland dress. At the time when there are indications of its use by the common people in its ruder form, it seems to have been no less out of the question as a dress for the great man, than the concrete of glutinous rags now forming the national costume of the Irish peasant would be as the dress of his landlord.

It may be safely pronounced that no genuine picture of a chief or gentleman dressed in tartan is producible of so early a date as the reign of Charles I. The Highland gentry of whom we possess representations—even the old marauder, Sir Ewan Cameron of Lochiel—are all attired in the fashionable costume of the period.<sup>1</sup>

In the many effigies on the tombstones of Iona, and in other burial-places of the heads of Highland houses, from the fourteenth century downwards, it seems to have been the great glory of the survivors to represent the departed hero in the costume of a Norman or English knight. At whatever time it may have come into use as an undress worn by the chief in hunting, or when at ease in his Highland home, it certainly did not become, until a late period, a dress in which a man of rank could appear in public.<sup>2</sup>

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<sup>1</sup> For instance, in the 'Black-Book of Breadalbane,' which contains a series of coloured full-length portraits of the chiefs of that house, painted early in the seventeenth century, there is not a trace of tartan.

<sup>2</sup> Looking back to the earliest material for practical conclusions, there is a notice of the Highland costume in the diplomatic correspondence of Queen Mary's reign—brief, but curiously distinct in showing that people of rank wore the costume when they went among the Highlanders, and that it was capable of adaptation even to royal rank. In 1568, the queen projects a royal progress in Argyle, and Randolph the English resident writes of it to Cecil, saying: "As many as take their journey into Argyle are preparing their Highland apparel which the queen has ready—marvellously fair, presented unto her by James Macconnel's wife." Macconnel was an Irish chief, but his wife belonged to the family of Argyle. Randolph "framed himself as near as he could in outer shape, to have been like unto the rest;" but he anticipates returning home, and this prospect does him more good than any pleasure he could have, "either in a saffron shirt or an Highland plaid."—Calendar of State Papers, Foreign, 1563, p. 399.

Of persons of rank wearing the Highland costume there is a detailed account in the lively description by Taylor, the Water Poet, of a hunt-

It would seem, however, that when the wearers of the many-coloured blankets were employed in extensive warfare, it was necessary to impart, as far as it was practicable, some constructive uniformity to their costume, as

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ing party in the wilds of Braemar, in which he participated, in the year 1618. The passage is remarkable from the costume being as entirely a peculiarity of the tinchel, or great hunting gathering, as the skull-cap, red coat, and cords, are of the hunting-field at the present day; and it is evident from the tone of Taylor's narrative, that he at least believed that the Highland potentates whom he saw around him wore the dress on such occasions and on no other:—

“There did I find [giving a long list of names] all and every man in general in one habit, as if Lycurgus had been there and made laws of equality. For once in the year, which is in the whole month of August, and sometimes part of September, many of the nobility and gentry of the kingdom, for their pleasure, do come into these Highland countries to hunt, where they do conform themselves to the habits of the Highland men, who, for the most part, speak nothing but Irish—and in former time were those people which were called the *Red shanks*. Their habit is shoes, with but one sole a' piece; stockings, which they call shor' hose, made of a warm stuff of divers colours, which they call tartane. As for breeches, many of them nor their forefathers never wore any, but a jerkin of the same stuff that their hose is of; their garters being bands or wreaths of hay or straw, with a plaid about their shoulders, which is a mantle of divers colours, much finer and lighter stuff than their hose, with blue flat caps on their heads, a handkerchief knit with two knots about their neck; and thus are they attired. Now their weapons are long bows and forked arrows, swords, and targets, harquebusses, muskets, durks, and Loquhaber axes. With these arms I found many of them armed for the hunting. As for their attire, any man of what degree soever that comes amongst them must not disdain to wear it; for if they do, then they will disdain to hunt, or willingly to bring in their dogs; but if men be kind unto them and be in their habits, then they are conquered with kindness, and the sport will be plentiful. This was the reason why I found so many noblemen and gentlemen in those shapes. My good Lord Mar having put me in that shape,” &c.—Taylor's Works; Transactions of the Iona Club, p. 40. Among other scraps of information we have in the Hudibras of the Highland host in Charles II.'s time—those

“Who led the van, and drove the rear,  
Were right well mounted of their gear,  
With brogues, trews, and pirnie plaids,  
With good blue bonnets on their heads,  
Which on the one side had a flipe  
Adorned with a tobacco-pipe;  
With durk and snap—work and snuff-mill  
And bag which they with onions fill,

well as to make its variations in colour the distinguishing marks of the several clans or battalions. When the dress was once established as a military costume, analogy with the system of a national uniform required that the commanders should wear it as well as the men; for it would have been incongruous that the officers should be dressed in civil raiment, or in a military uniform more nearly resembling that of the enemy than of their own troops.<sup>1</sup>

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And as their strict observers say  
A tupe horn filled with usquebay;  
A slasht cut coat beneath her plaides,  
A targe of timber nails and hides,  
With a long two-handed sword,  
As good's the country can afford."

—"A Mock Poem upon the Expedition of the Highland host"—  
"Collection of several Poems and Verses, by William Cleland," p. 12.

'In a voyage to S. Columb-kill in the year 1688,' the writer (unknown to me), in passing through Tobermory, says: "The usual outward habit of both sexes is the plaid—the women's much finer, the colours more lively, and the squares larger than the men's,—and put me in mind of the ancient Picts. This serves them for a veil, and covers both head and body. The men wear theirs after another manner; especially when designed for ornament it is loose and flowing, like the mantles our painters give their heroes. Their thighs are bare, with brawny muscles. Nature has drawn all her strokes bold and masterly. What is covered is only adapted to necessity—a thin brogue on the foot, a short buskin of various colours on the leg, tied above the calf with a striped pair of garters." After telling that there is "a large shut pouch, on each side of which hangs a pistol and a dagger," he says in conclusion: "A round target on their backs, a blew bonnet on their heads, in one hand a broadsword, and a musquet in the other. Perhaps no nation goes better armed, and I assure you they will handle them with bravery and dexterity, especially the sword and target, as our veterane regiments found to their cost at Gille Cran-kee."—Appended to 'An Account of the Isle of Man,' by William Sacheverell, 1702.

<sup>1</sup> The present uniform of the officers of the British, and of some other European, armies, has had a history not unlike this. The colour of the uniform of soldiers had its origin in that distinguishing garb of family retainers, which has its representative at present in servants' liveries. In the army, the royal livery—the red—superseded, in general, that of private families. There are still some features marking the common origin of garbs so differently applied; and at this day the epaulette which marks the command of the field-officer, comes from the same origin as the shoulder-knot, which indicates the servitude of his footman.

If this be but conjecture, it has, at all events, the merit of professing no higher claim to credit, and of occupying much more modest limits than many other statements equally conjectural, which have been boldly proclaimed as facts.

The humbler people continued to wear the primitive blanket or belted plaid; and perhaps, after the partial suppression of depredation, it was reduced to a more sordid garment than it had been on the persons of their ancestors, who, if they had benefited nothing, had suffered nothing, from advancing Lowland civilisation. A chief or gentleman-follower in his full dress, had now, however, become a very imposing and picturesque object, which could even elicit a compliment from the saturnine Burt.<sup>1</sup> While the pariah in the tattered blanket elicited

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<sup>1</sup> Probably the most accurate representations of Highland costume are to be found in the coarse engravings attached to the old edition of Burt's letters. A few specimens are to be found in the plates of Slezer's *Theatrum*—the most accurate apparently are in his representation of Dunkeld Cathedral; some of the others have a tendency to idealism. It is needless to say that no reliance can be placed on modern pictures of Highland costume got up for the London market. A traveller in the middle of the earlier half of the century gives the following description of the frequenters of a Highland fair at Crieff: "The Highland gentlemen were mighty civil — dressed in their slashed short westcoats—a trowsing (which is breeches and stockings of one piece of striped stuff), with a plaid for a cloak, and a blue bonnet. They have a ponyard knife and fork in one sheath hanging at one side of their belt, their pistol at the other, and their snuff-mill before, with a great broadsword by their side. Their attendance were very numerous, all in belted plaids, girt like women's petticoats down to the knee—their thighs and half of the leg all bare. They had also each their broadsword and ponyard, and spake all Irish—an unintelligible language to the English."—'Journey through Scotland,' by the Author of the 'Journey through England' (1723), 194. This may be contrasted with the description of John Major—a pretty accurate observer of local customs—whose short but curious history was written very early in the sixteenth century. He states that from the middle of the thigh to the foot they have no covering, having a mantle (*chlamys*) for an upper garment, and a shirt dyed with crocus or saffron. In war they cover the whole body with a lorica of iron rings or chain mail. He describes the more ordinary Highlanders as rushing into battle in a garment of linen manifoldly sewed (in *panno lineo multipliciter intersuto*) and daubed with pitch, and a deer-skin covering.—P. 34.

compassion, a portion of sympathy was bestowed on the sufferings of his superior, from the enormous mass of his clothing, and his heavy arms. Everything about him was bulky and flowing, save the simple bonnet on the head: and he exhibited as great a contrast as the form of clothing can afford to the modern soldier of a Highland regiment, with whom everything is scant, flat, and angular, save the vast uneasy plume of ostrich-feathers waving from his head.

The first step in its reduction to this unpicturesque guise was a decomposition of the earlier unity of the costume. Its original element, as we have seen, was the primitive plaid or loose mantle—a piece of cloth sometimes extending to dimensions which would astonish an army contractor of the present day. The humble commons had often little, sometimes nothing else, as their covering by day and night. The chiefs and gentlemen among them generally wore a jacket or jerkin, and sometimes trews or hose pantaloons; yet their plaids seem to have been of no less dimensions. Though the man who had no other clothing wore the plaid with more close economic adjustment over the upper part of his body than he to whom it was a decoration, all were alike in the manner of adjustment to the limbs. A certain part of the large mass of cloth was wrapped round the thighs, heavily adjusted in plaits, and was secured to its position, by a belt, after the manner in which the Israelite girded up his loins. This operation must have been at all times tedious and complicated; and to the Highland warrior, who had a leaven of foppery in him, it seems to have been almost as serious a matter as the war painting of the American Indian. This cumbrous arrangement subsequently received, to distinguish it from the modern innovation, the name of the belted plaid. One who had noticed the cumbrous inconvenience of the belted plaid, suggested the happy idea of cutting away the part wound round the loins from the rest of the plaid, and forming it into a permanent tunic, while the other part became a shawl or plaid adjustable at pleasure. This idea having the simplicity of true genius, was so decided and unquestionable an improvement, that



it took general root. The belted plaid became speedily obsolete, and the Highland costume, as it is known in later times, was perfected in the plaid and the kilt, otherwise called the philabeg. The most likely date assigned to this revolution is half way between the two rebellions, when Wade was laying down his roads. The merit of the invention is attributed to Thomas Rawlinson, an English Quaker, well known in his day for worth, ability, and enterprise. He appears to have been either the projector or the manager of the company that undertook the smelting of iron at Invergarry.<sup>1</sup>

The remedial legislation following the insurrection decreed the annihilation of the Highland garb. It was enacted that none but soldiers in the regular army should wear the articles of clothing defined as "the plaid, philabeg or little kilt, trews, and shoulder-belts." The use of tartan was at the same time prohibited for "great coats or upper coats."

The legislation that is ineffective for suppression some-

<sup>1</sup> The Culloden Papers, 289. In some recent operations by the owner of the domain, large pieces of cast iron were found marked with Rawlinson's initials.

On Rawlinson's invention we have the testimony of Evan Baillie of Aberiachan, in Inverness-shire, who says: "He had a throng of Highlanders employed in the service, and became very fond of the Highland dress, and wore it in the neatest form, which I can aver, as I became personally acquainted with him above forty years ago. He was a man of genius and quick parts, and thought it no great stretch of invention to abridge the dress, and make it handy and convenient for his workmen; and accordingly directed the using of the lower part plaited of what is called the *felie* or *kilt*, as above, and the upper part was set aside; and this piece of dress so modelled as a diminution of the former, was in the Gaelic termed *felie beg* (*beg* in their tongue signifies *little*), and in our Scots termed *little kilt*; and it was found so handy and convenient, that in the shortest space the use of it became frequent in all the Highland countries, and in many of our northern low countries also." Surely a Quaker in Highland costume would be an exceptional phenomenon, even in the age of the restoration of "the garb of old Gaul." The writer briefly describes the old belted plaid as "buckled round by a belt, and the lower part plaited, and the upper loose about the shoulders." He says, too, that "it was a cumbersome unwieldy habit to wear at work or travelling in a hurry."—Letter, dated 22d March 1768, printed in 'Edinburgh Magazine' for 1785, p. 235.

times proves effective as an advertisement. In this instance the stamp of political importance was put on customs that might have died off like the saffron shirt of Ireland. We may attribute it in great part to this Act, that in the present generation "the garb of old Gaul" has burst forth with a brighter bloom than ever, and has shown itself over the world to the arousing of an admiration highly flavoured with ridicule.

In a rapid sketch of the achievements in literature and art throughout Scotland during the period embraced by this history, art obtains the precedence, on account of the distinct and narrow limits which it at once presents to the eye. National art was in a miserable condition. There were artists who were Scotsmen, and works of art were brought into Scotland; but, taken in the stricter sense of works produced by Scotsmen for a Scots public, National Art is nearly a blank from the Revolution to the middle of the eighteenth century.

We have seen the isolated career of George Jamesone, "The Scots Vandyke," in the middle of the seventeenth century. He is recalled here only to note how barren was the field on which an artist was thus chance thrown. He had no followers. The fame and honours acquired by him died with him, and left among his countrymen of the young generation no love of artist life, and no ambition to excel or rival the first portrait-painter that Britain had owned. One person only seems to have been imbued from this source with the artist spirit—his grandson, John Alexander. He studied some time in Italy. He is said to have painted portraits, and even historical pictures, now unknown, though some engravings by him are sought by the curious.

The wealthy families of Scotland of course gave some patronage to portrait-painting in Queen Anne's reign, but it did not further native art. De Witt, a Dutch artist, brought over to paint the imaginary portraits of many of those imaginary persons who hang as the Scots kings in Holyrood House, had some employment of this kind. Sir John Medina found so much to do in Scotland that he became domesticated in the country. He had a son

who seems to have become a naturalised Scotsman, and who adopted the paternal profession. Some portraits by him are believed to exist, but he spent too much time with the young bloods drinking claret in the oyster-cellars to acquire steady eminence; and he appears to have chiefly obtained his livelihood by painting for the dealers genuine likenesses of Queen Mary.

Two painters of Scots origin, however, arose in that age to vindicate it from the charge of artistic barrenness. William Aikman, a Forfarshire laird, seized by what his neighbours deemed a sad insanity, sold his estate when he was still in his improvable youth, and went to Rome to devote himself to art. He succeeded so far as to become a fashionable London portrait-painter, and was employed by the Earl of Burlington and other rich patri-cians, to decorate their mansions with large family groups and royal likenesses. But he appears never to have given his native country the opportunity of boasting that she possessed in him an artist.

Allan Ramsay, the son of the poet, did not so entirely sever his fame from his native country, though he too studied at Rome, lived chiefly in England, and became a fashionable portrait-painter. In later life he acquired great reputation for the success with which he brought out the immaculate legs of Lord Bute; and his portrait of George III. in his youth was very successful. The temptation to the artist whose fame has reached the ears of royalty, to paint state pictures, must always be great, and the world loses the higher art for the manipulation of velvet and ermine. Ramsay, however, was a high artist as well as a court painter. He had a fine taste for natural beauty. It is visible in many of his pictures; and few artists have produced a sweeter representation of youth, innocence, and beauty, than his portrait of the blooming daughter of Lyndsay of Eyvelich, who afterwards became his wife—a picture so much lauded by Wilkie that he recommended an eminent artist to go to Edinburgh that he might see it. With Ramsay ends the scanty list of Scots painters. There is no other worthy of notice, until the

rugged grandeur of Runciman breaks in on the blank monotony, long after the period of this history.

Scotland, however, produced within our period an engraver, whose mastery of the ancillary art gave it in his person more dignity than the higher plastic arts have achieved in ordinary hands. Sir Robert Strange's works are well known to all lovers of art. There will ever be differences of opinion as to his exact place in his profession, but no one denies that it is very high. In the opinion, indeed, of many critics, he is totally unapproached by any other engraver, in his happy union of clearness, richness, and decision; in the pliant smoothness of his flesh, the rich softness of his drapery, and the picturesque but clear depth of his shadows. It is part of his merit that for the exercise of that art which has so much influence in disseminating beautiful forms, he selected the noblest pictures in the world. He produced in one or two instances such effects as the breezy sky, active grouping, and cheerful landscape of Wouvermans, to show as it were what he could do. But his passion for art, and his masterships, were in the forms of scarce earthly beauty which he beheld in the immortal paintings of Raphael, Correggio, Guido, Titian, and Guercino. He was an Orkney youth, who came unfriended to Edinburgh a little before the Forty-five, and worked in the office of an engraver who can scarcely have set before him any higher achievements than shop-bills and coats of arms for book-plates. He joined the Rebellion—perhaps a fortunate incident, for probably finding himself uneasy in Edinburgh, it tempted him to go to Italy, where he found scope for his genius. It had shown its powerful growth even in his barren native soil, and he was one of those remarkable possessors of the artistic faculty whose genius, if they get but the barest opportunities of study, arises in luxuriant growth.

The world is deeply indebted to science for the chemical triumphs that now repeat the forms of the great masters along with many others. But the study of the engravings of Strange, either in the presence or the full remembrance of the great paintings they render, will at once show that

in engraving there are resources that no repetition of forms by merely chemical or mechanical means can supply. It has been said of Strange that his drawing is sometimes defective. That could not be said of photographic or other chemical transfers of forms from one flat surface to another. But one sees on a close examination that Strange "took liberties," as it is called, with his original, and that he knew and used secrets in his art which produced their own effect, without a slavish imitation of every line of light and shadow on the painted canvas.

What the notions of his countrymen about engraving were, we may conceive from the views of the towns and principal buildings executed by Captain Sletzer, a Dutch engineer, whose productions were deemed an important national work at the period of the Union. The work has been revived in the present century, because it gives some data for knowing the extent of the towns in that age, and the nature of many buildings which have wholly or partially disappeared. But this purpose is but imperfectly served, owing to the utter incapacity of the artist to represent distinctly what he saw before him; and the resuscitation of his representations of ancient buildings is at the same time a resuscitation of the miserable notions entertained of success even in the simplest style of art at the beginning of the last century in Scotland.

The department of sculpture in the period here embraced is an entire blank. It is not known that any one professed to practise it as an art, though the stone-mason sometimes undertook decorative work. Its nature may be chiefly ascertained by meditations among the tombs in old churchyards, where bob-wigged angels greatly predominate, and are executed with much the same amount of sculptural skill as Captain Cook found among the New Zealanders. In this department there seems to have been no attempt to separate the artist from the workman; and in the generation which succeeded the period here embraced, an Edinburgh citizen, who developed a wonderful genius for intaglio cutting, was deemed merely a

phenomenon among workmen, and found that he need not seek a position above their rank.<sup>1</sup>

Perhaps in architecture, more than in other arts, can we specifically decide whether a nation has made progress or degenerated. People need not possess paintings or sculpture, but all communities who have risen above barbarism must have houses constructed with more or less taste. Taken by this criterion, Scotland had decidedly fallen back in the eighteenth century from the architectural capacities or demands of an earlier period. The adaptation from foreign sources, of systems, both in the ecclesiastical and the baronial departments, which made a remarkable Scots school of architecture, has already been examined. We have seen that, while the depressed form of Gothic lingered in England, the "flamboyant" school brought from France to Scotland was checked suddenly at the Reformation, and was succeeded by no other.<sup>2</sup>

The Episcopalians, after the Revolution, sought ornament in the interior of their churches, so far as their humble means permitted. Their ecclesiastical historians say that their handsomest edifices were destroyed by the troops in the suppression of the Rebellion. But in those that survived there was observable a decided effort to achieve interior decoration; it was necessary to avoid all that, as external and conspicuous, might excite hostility. Of a plain exterior removed from sight and a rather brilliant interior, a curious specimen might have been seen down to the middle of the present century in the chapel of St Paul's in the old Gallowgate of Aberdeen, with its painted apse and its double colonnade of fluted Ionic columns. Humble as such efforts were, they marked a spirit antagonistic to the feeling prevalent

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<sup>1</sup> This was William Berry, who executed a few intaglio portraits and groups, so high in their own class of art that critics have pronounced them unexcelled. Though a laborious man, however, his productions of this kind were very few, and he found he could only live by cutting coats of arms, which his skill enabled him to quarter with marvellous minuteness, preserving throughout the proper heraldic indications of the colours and metals.

<sup>2</sup> Chapters xl. and lxxvi.

among the members of the Established Church. The ruling spirit there appears to have been, not only that the temple of worship should be totally undecorated, but that it should be endowed with a signal degree of ugliness, as an emphatic protest against the opposite tendency.<sup>1</sup> The site was sometimes ingeniously chosen to bring out the predominant character of the building; and so, in contrast to the English village church, with its mullioned windows and venerable spire or belfry-tower, nestling among ancient yew-trees, the traveller saw, on a bare, windy muir, the square, rough stone building, with its small rectangular windows scarce sufficient for light, squatting under a spreading mass of cold, grey, slated roof. When the Dissenters began to build, they would have made their churches, if possible, more ugly; but the power of retrogression had exhausted itself, and could go no farther. Such are the sources and character of a practice which tended to depress a great branch of the architectural art of Scotland. To understand its true nature, so that the reaction fortunately now in progress may have a clear field of operation, it is necessary completely to separate the æsthetic phenomenon from religious opinion, and to remember that it is to the accident of historical antagonism that the depression must be attributed.

The civil and baronial architecture, as exhibited in the streets of the towns and the mansions of the gentry,

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<sup>1</sup> If we may believe what is told in the lamentation of a zealous Nonjuror, this antagonism took a more positive form in the secularisation of churches. He says of the Church of Fintray, built by Sir William Forbes of Craigievar in 1703: "This new church has an aisle for this family, wherein there is also a room for their use; and again within it a hearth, cupboard, &c., so that people may eat and drink and even smoke in it if they will—a profaneness unheard of through all antiquity, and worthy of the age wherein we live; for, since the Revolution, the like liberty has been taken in several churches in the south, as particularly Newbattle and ——."—(View of the Diocese of Aberdeen, Spalding Club, 245.) The indignant writer was unable to remember his other instance in the south; and the practices he complains of were more likely to be adopted by the northern lairds, who, at heart Episcopalians, would readily show disrespect to the Presbyterian worship. The reader will be reminded of the Captain of Knockdunder in 'The Heart of Mid-Lothian.'

scarcely redeemed the barrenness of the ecclesiastical. The cities had not yet taken their impulse of rapid enlargement which in the present day divides them generally into a new and old town,—the one, wide and airy, spreading over the plain, with broad interstices—the other, heaped house over house in vast masses, precluding ventilation and defying purification. In the baronial residences, the old style, with its clustered turrets rising in oriental-looking variety, disappeared long before the Revolution. In some instances the heads of the great aristocratic families thought it incumbent on them to introduce something resembling the English baronial fortress with its flanking towers and Gothic screen. A characteristic instance of this may be seen at Inverary, where the clumsy bulk and tawdry decorations are the more to be regretted, as, if we may believe a curious old print, the unsightly pile must have displaced a predecessor which, in the beautiful variety of turrets and decorated chimneys crowning the massive cluster of square and round towers built into each other at different ages below, probably excelled Glammis and the finest specimens of this peculiar architecture in the north.

A few of the gentry, not ambitious of possessing fortresses, built houses in the square compact style adopted in English villa architecture; the decorations, where there were any, being generally thin pilasters, or rather perpendicular mouldings. Probably the plans were mainly supplied by English architects; but Sir William Bruce may have contributed a few of them, along with the father of the two Adams, who was an amateur follower of the art in which they became afterwards celebrated. The elder Adam is indeed said to have been the architect of the old Royal Infirmary of Edinburgh—a building with a certain degree of florid dignity, and clear characteristics of the later French school. Scotland at that time counted among her sons one great architect, though his labours were not to decorate his native land. The church of St Martin's-in-the-Fields—which, brought to light by the clearings at the extremity of the Strand, relieves Trafalgar Square from the charge of architectural poverty and bar-



barism—was the work of James Gibbs, the son of a burgher of Aberdeen. It was received with an outbreak of professional censure as an architectural heresy, since it raised the taper spire—originally peculiar to the Gothic style, and transferred from it among other barbarisms to the Renaissance—above a pure Corinthian portico. But what shocked the pedants, was by others deemed the boldness of true genius; and this church has had advocates who have maintained its superiority in chaste beauty to every other ecclesiastical building in London. The patronage of Gibbs was one good deed done to the world by a man who wrought much evil in his day—the rebel Earl of Mar. The artist, befriended by a secretary of state, obtained that opportunity of showing the full development of his powers of which men in his profession so often lament the absence. He built the Radcliffe Library at Oxford, and the Senate-house at Cambridge. But, as if emphatically to show that the fruits of his genius were entirely to be withdrawn from his own countrymen, the only building in Scotland known to have been planned by him is the West Church in his native city of Aberdeen, of which it may be said that it combines whatever could be derived of gloomy and cumbrous from the character of the Gothic architecture, with whatever could be found of cold and rigid in the details of the Classic.

The development of pure literature in Scotland had, for half a century after the Revolution, to struggle with a peculiar difficulty arising out of the tenor of the national history. The languages of England and of Lowland Scotland, speaking of both in a general sense, were as entirely taken from a northern Teutonic stock common to both, as the languages of Essex and Yorkshire. But, like other national characteristics, the language of Scotland took a direction severing itself from that of England after the war of independence. Centuries elapsed, however, ere the distinctive peculiarities of each had gone far in its own direction, and away from the other. The earliest material change was in the language of England by the infusion of the Norman, while Scotland kept closer to the old Saxon stock. Thus it is that Scots writers of the

age of Gower and Chaucer—such as Barbour the archdeacon of Aberdeen, and Wyntoun the monk of Lochleven—wrote a language more intelligible to the present age than that of their English contemporaries, because it is not so sensibly tinged with Gallicisms.<sup>1</sup>

We have seen the high place held by Scotsmen among the scholars of Europe when all used one language. But Latin was dying away as the common language of literature and science. Each great nation was forming its own literary tongue. The revolution was completed within the time embraced in this history. But Scotland had not kept an independent literary language of her own, nor was she sufficiently expert in the use of that which had been created in England. Hence, in a great measure, we can distinctly account for the literary barrenness of the country. The men may have existed, but they had not the tools. An acquaintance with the correspondence of Scotsmen for the first half-century after the Revolution, shows the extreme difficulty which even those who were

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<sup>1</sup> Perhaps, of the complete alienation between the Teutonic Lowland and the Celtic Highland race, the most signal evidence is found in the language of Lowland Scotland. Like the English language, it has enriched the parent Saxon with spoils from the Latin and the French—in some measure even from the Greek—but it has taken nothing from the Celtic, though at its own door. Where the dialect of some Scots districts differs from the literary language of the British empire, the divergence will be found to have come from Denmark, Holland, High Germany, or France—perhaps to be a better-kept remnant of Anglo-Saxon; it is never Celtic. A few words, of course, expressive of things existing in the Highlands, are used by the Lowlander when he speaks of them,—as gilly, claymore, pibroch, and the like. But these are no more incorporated into the language than such words as *candelabrum* or *gladius*. The language of the Lowland people has not taken even a tinge from that of the Highlanders living under the same Government with themselves ever since it was a Government. For an inquiry into the differences between English and Scots Anglo-Saxon, bringing out conclusions more numerous than it is possible to compress into a corner of history, see 'The Dialect of the Southern Counties of Scotland, its Pronunciation, Grammar, and Historical Relations; with an Appendix on the present Limits of the Gaelic and Lowland Scotch, and the Dialectical divisions of the Lowland Tongue,' by James A. H. Murray, F.E.I.S.; published for the Philological Society, 1873.

high in rank and well educated felt in conveying their thoughts through a dialect imperfectly resembling the language of *The Spectator*.

Any attempt to keep up a Scots literary language had been abandoned in prose before the Revolution. In verse, incidental causes made it seem as if the struggle were still continued. The old Scots melodies, so mysterious as we have seen in their origin, never ceased to have the charm of musical association for the people. A verbal companionship was from time to time demanded for them in lyrical compositions adapted to their measure, and applying the old tunes to the current feelings and interests of the day. Many very humble productions of this kind were written; but others, such as Allan Ramsay's own songs, and those which he published in the '*Teatable Miscellany*,' showed high genius. Still these were avowedly provincial efforts, like the Irish or Provençal songs produced as interludes in theatrical entertainments. They professed to be literary curiosities rather than to enter the great republic of letters and take an independent place there. Not until Burns came boldly forth and took up his position at once upon his peasant rank and his national tongue, did the Scots language seem to claim an independent place in modern literature. Had one of his brilliant and at the same time hardy genius appeared sixty years earlier, it is difficult to say how near Scotland might have been brought to a separate national literary tongue. But he took up the language at a time when he could only leave a great monument to its power and sweetness; for his contemporaries had long expressed their allegiance to England, and would have felt it more difficult to resume the language of their grandfathers, than to remove the trifling peculiarities that still stamped them with provincialism.

There was, however, one distinguished man who, within the period under present consideration, wrote in the Scots language—Allan Ramsay. It has been well observed, that his great pastoral has a decidedly city tone, and is not like the production of one who lived the life he attempted to describe. Yet Ramsay spent his early days

in the solitudes of Craufurd Muir, and must have imbibed the full spirit of pastoral life before he trod the High Street. The reason of the artificial character of his drama is that it uses words in their Scots form, while the general structure is not national in its tone and character. Ramsay was ambitious to produce legitimate poetry. He imitated Pope, but found that he could not handle the English idiom with sufficient firmness to follow so great a master. He accomplished a more successful work when, keeping still to legitimate rules of arrangement and composition, he used the Scots language. But he did so avowedly as one who seeks to try the applicability of its peculiarities to legitimate literature—not as one to whom Scots literature, both in its form and spirit, was natural, while that of England was foreign.

The form in which another man of high genius struggled with the difficulties of a provincial idiom, was equally characteristic and remarkable, though of a totally distinct character. James Thomson, brought up, like Ramsay, among the pastoral muirlands, resolved to shake off at once the impediments of provincialism, and compete with the great poets of the south. But, as he could not adopt their idiom so rapidly as he could throw off his own, he constructed forms of expression for his own use, adapted to those niceties of language which idiom alone can accomplish; and hence came that neology which has displeased many who cannot help admiring the wonderfully expressive and descriptive power with which he handles his self-formed instrument of speech. Ever, apparently, dreading the reproach of provincialism, he not only stripped his thoughts of their natural idiomatic garb, but turned them into channels away from his own country, and shook off by degrees home associations and opinions, until he became the most characteristic poetic painter of English rural life and scenery.<sup>1</sup> But he had not accomplished this severance when he

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<sup>1</sup> It is a testimony at once to the accuracy and the pleasantness of his descriptions of rural life, that they have been so often interpreted to the eye by the artist. It may be questioned if, of the works of any other British poet, there are so many "illustrated editions" as we can find of the 'Seasons.'

wrote the first of his Seasons—Winter; and perhaps it was a subject on which his own country supplied more powerfully emphatic characteristics than England. There is no mistaking the native origin of many of the grand descriptions of gloom and storm with which it is eloquent.

There were other men of genius, less broadly exhibiting the tendencies of the age, whose labours might have to be characterised in minor groups, were this a history of literature, instead of a passing sketch of its connection with civil history and the condition of the public mind. Armstrong and Mallet transferred their abilities entirely to England; and the latter changed his name from its original Perthshire Malloch, to sever himself more effectually from his own country. Dr Pennecuik, Robertson of Strowan, Meston called the Scots Butler, and some other forgotten men, wrote poems now unread; while the sweet and melodious trifles of Hamilton of Bangour, and Blair's 'Grave,' have had a more extended fame.

Perhaps one of the strongest indications of a dearth of poetic appreciation is to be found in one of the best national poems of that age having been received with such neglect, that no one thought of asking about the author, until the lapse of nearly a century rendered it impossible to discover him. Scott was struck by the powerful description, pointed out to him by Leyden, in a dingy scrap of printed poetry accidentally picked up at a stall, of the superstition of the "spectre chase," when the terrified peasant hears

"The broken cry of deer  
Mangled by throttling dogs; the shouts of men,  
And hoofs thick beating on the hollow hill."

It occurred in a poem called "Albania." Leyden published this curious relic of a forgotten genius in his volume of 'Descriptive Poems,' itself now little known. Though the poet's countrymen preserved no notice of his individuality, the poem in its day attracted the notice of Aaron Hill, who said of its author—

"Known, though unnamed, since, shunning vulgar praise,  
Thy muse would shine, and yet conceal her rays."

The commencement, though so common a thing as an invocation, is expressed with so much beauty and power, that had there been a feeling to appreciate poetry, it must have at once stood prominently forth from the current literature of the day.

“O loved Albania ! hardy nurse of men,  
Holding thy silver cross, I worship thee  
On this thy old and solemn festival,  
Early, ere yet the wakeful cock has crowed.  
Hear, goddess, hear ! that on the beryl stood  
Enthroned of old, and 'mid the waters' sound,  
Reign'st far and wide o'er many a sea-girt spot.  
Oh smile !—whether on high Dunedin thou  
Guardest the steep and iron-bolted rock,  
Where, trusted, lie the monarchy's last gems—  
The sceptre, sword, and crown that graced the brows,  
Since Father Fergus, of a hundred kings :  
Or if, along the well-contested ground  
The warlike border-land thou marchest proud  
In Teviotdale, where many a shepherd dwells,  
By lovely winding Tweed or Cheviot brown.”

The most curious peculiarity of this poem perhaps is, that, with patriotic aspirations and picturesque allusions to the wild local superstitions, there is interwoven a kind of inventory of the material productions of Scotland, in which the author handles the most humble domestic elements with a beauty that reminds one of the lobsters and flounders in the Raphaelite arabesques.

“And hence the loving sea thy eastern coast  
Supplies with oysters soft and lobsters red,  
And turbot, far-requested for his white  
And mellow flesh—sea-pheasant often named ;  
And bearded cod, and yellow ling. Nor now  
Can I rehearse the kind of mackerel streaked,  
Omen of dearth if too abundant found ;  
Nor angel-fish, viviparous and broad,  
Hung up in air and seasoned with the wind ;  
Nor perch, whose head is spangled red and blue,  
Foreboding woeful wars, as fishers swear ;  
Nor ravenous seal, that suckleth on the shore  
Her hairy young, unawed by eye of man.  
Her meeting oft at sunset on the coast  
Of Angus, fruitful land of vital grain,

The wanton damsel mocks, and children join  
Insultant to provoke with rustic names." <sup>1</sup>

Any view of the literary condition of Scotland, however brief, would be deficient in a material element if it failed to notice the blighting intellectual influence of the ecclesiastical disputes of the day. We have seen already how little and how poor was the ecclesiastical literature of the epoch of the Revolution. But it was the unhappy character of the conflicts to which this barrenness may be attributed, to exercise a desolating influence beyond their own natural sphere, though in a very peculiar shape. Light literature unfortunately assumed a character which deepened any prejudices formed against it by the more ardently religious portion of the community, instead of reconciling them to it as the proclaimer of truth and goodness, civilisation and religion. In England, licentious literature had been a reaction against Puritanism, and the two forces had each their day of preponderance. In Scotland they were contemporary, and fought hand to hand in the same city, in the same street, in the same family circle. The part of Congreve, Wycherley, and the other dramatists of the Restoration, was performed in Scotland by their imitator, Dr Archibald Pitcairne, a man of great and varied, but ill-directed ability. He lashed the characteristics of the rigid Presbyterians with a sarcasm so audacious and savage, that one need wonder at no amount of retaliation invoked by it. Unfortunately he did not limit his flagellation to those peculiarities in which he, as

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<sup>1</sup> The unknown author's reference to the use of coal seems to intimate, by his reference to Devana, often used as the classical name of Aberdeen, that he was living there when he wrote.

" Watery Linlithgow's royal seat, or Perth,  
Whose evening bells the roaming Highlander  
Hears sweet though far-descending Stenton Hill ;  
Nor Fife, well peopled in her sea-towns, tiled ;  
*Such also we in high Devana burn,*  
Glancing in marble hearth."

The poem, it may be mentioned, was published in London in 1737, as the work of a deceased clergyman.

belonging to another Christian Church, might be the opponent of its enemies ; but, in his eagerness to inflict a deadly stab, would handle words and ideas which ought to be reserved for more serious purposes. He not only ridiculed the clergy, but seemed to ridicule religion. Nor was this all. He could not only be charged with blasphemy and profaneness, but with indecency ; and if the stage were made for no other purpose than to act such pieces as his " Assembly," there could be no doubt of its corrupting influence. He had a ceaseless contest with the clergy, which assumed, in one instance at least, the form of a protracted litigation in an action of damages which he conducted against one of them for defamation. They believed that there was no wickedness of which he was not capable, and seem to have attributed to him an amount of viciousness beyond what the human frame could endure along with the extensive professional labours and hard study with which it was united.<sup>1</sup>

But Pitcairne was only the type of a class—not numerous, but influential from rank and education. There has seldom been an age or place where ability has been so sadly prostituted. In the libraries of the curious will be found productions of Scots talent in that age unfit for the light in any tolerably moral community, and which society at the present day, untrammelled as it is by external restrictions, would of its own accord reject with disgust. Among the writers of these pieces there were young men of high promise and conspicuous rank.

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<sup>1</sup> Wodrow says : " He was a professed deist, and by many said to be an atheist, though he has frequently professed his belief in a God, and said he could not deny a providence. However, he was a great mocker at religion, and ridiculer of it. He kepted no public society for worship, and on the Sabbath had his set meetings for ridiculing of the Scripture and sermons. He was a good humanist, and very curious in his choice of books and library. He got a vast income, but spent it upon drinking, *and was twice drunk every day*. He was a sort of poet. There goes a story of an apparition he had frequently seen, which he owned. He died (1713) not very rich ; and for some years he was much declined in his business and health. Some say he had remorse at his death ; but others, that he continued to mock at religion and all that is serious."—*Analecta*, ii. 255.



The class of wits, for common safety, clung close together. They had their clubs, where they pursued their vicious orgies in dead secrecy, and to these were confined much of the literature which dared not see the light. Dreadful tales were whispered among the clergy and the Presbyterian citizens about unhallowed scenes enacted in these conclaves, where it was believed that the enemy of man made his personal appearance, and that young rakes signed contracts with their blood, selling their souls to perdition for a surfeit of the vicious enjoyments of this world.

It shows the depth of the antagonism between the two classes, that while these clubs of vicious men were meeting to indulge in sallies which the present age would not tolerate, Erskine of Grange was prowling about Allan Ramsay's circulating library, trying to devise some legal method of putting a stop to the perusal of the light literature supplied by him to the public. The zealous judge could not effect this desirable aim, and he and his clerical friends deeply lamented the law that made the denunciations of the ecclesiastical courts inoperative to civil punishment. Ramsay established a theatre, which, though meagre, was well regulated, and might have been successful in drawing into a more healthy current the habits of the pleasure-seekers of the day. It was viewed for some time with impotent wrath; but when the licensing act was passed, it was at once remorselessly suppressed.

In such a social dispute virtue and religion seemed to be ranked on one side, against vice and wit on the other. The zealous Presbyterian party, instead of cultivating, could ill tolerate genius. Thomson was brought up as a clergyman, but he found the flowery rhetoric in which he clothed his exegetical exercises deemed so offensive, that he abandoned the profession with a poet's indignation, and was perhaps prompted by the recollection of his experience within it to draw his celebrated picture of intolerance, and of

"Cleric pride,  
Whose redd'ning cheek no contradiction bears;  
And holy slander, his associate firm,  
On whom the lying spirit still descends."

The wits readily accepted the feud ; and it came to be considered the legitimate use of genius, to turn the Presbyterian clergy and their votaries into ridicule. Sometimes an attempt was made to retaliate in the same form, but ridicule was a weapon not to be effectively used on the opposite side. It was impossible that a healthy national literature could grow out of conditions in which the religious system so much revered by the greater portion of the people was perpetually lashed with sarcasm ; and to this long-protracted war we may attribute the irregularities that blemished the genius, first of Smollett, and afterwards of Burns, in whose social grade the feud had taken refuge after its departure, or at least its modification, in the higher and educated classes.

In the graver departments of intellectual greatness Scotland was not more fortunate. Whatever was achieved by her sons seemed not to be destined for their native land. Among scientific men, the two Keills—the one eminent in anatomy, the other in mathematics—followed their friend Gregory to England. Thither, too, to reap the rewards of their science, went two of the most eccentric men of genius in their day—Cheyne and Arbuthnot ; but the fame of the latter was destined to be of another kind. Scotland contributed to the great focus of letters and science in London another adept in medical science, whose services have been revived at the present day. Sir John Pringle rose to wealth and rank. It has been questioned whether he deserved all he gained ; and the wits of the day sneered at him for sitting “in Newton’s chair” as President of the Royal Society. But his services have been re-examined, and more amply appreciated, in the present day, by those who hold that it is a duty of science not only to cure disease when it comes, but to intercept its approach. When the advocates of sanitary science—not yet forty years old—looked back among the writings of physicians, to find those instances where the premonitory causes of epidemics and other gregarious forms of disease had been most carefully and skillfully noticed, they found them in the collections made

by Sir John Pringle from his experience as a military surgeon.

After Sir Robert Sibbald, an antiquary and naturalist of moderate abilities, died, about the year 1712, science in Scotland was solely represented by MacLaurin the mathematician, Simson the restorer of the ancient geometry, Alston the botanist, and Monro the anatomist, who founded the medical school which, in the succeeding generation, became so famous. Scholarship had an exception to the general barrenness in Ruddiman, who printed such editions of the classics as Scots publishers do not undertake in the present day; and the Foulises became distinguished in the still more bleak intellectual atmosphere of Glasgow, by beginning to publish their series of accurate and beautiful contributions to Greek and Roman literature.

In other branches of literature in which Scotland afterwards reaped so much renown, there is little to say properly applicable to this period. The most eminent historical writer living in Scotland was Thomas Blackwell, the imitator of Shaftesbury. Two large books of history and biography were produced: 'The Martial Achievements of the Scots Nation,' by Patrick Abercromby, in two volumes folio; and 'The Lives and Characters of the most Eminent Writers of the Scots Nation,' by Dr George MacKenzie, in three. These books, as patriotic works, took a prominent place on the shelves of those who could afford to have libraries; but it would be difficult to say which of them contains the larger number of foolish falsehoods, and shows the greater evidence of gross ignorance.

Scotland owned, however, one very accomplished archæologist of the early part of the century in James Anderson. His collections regarding Queen Mary, much used in this History, were a meritorious service—but he worked in a higher sphere. He was the greatest master yet appearing in Britain of the scholarship that, under the name of "Diplomatique," had recently taken rank as a science through the learning and genius of the French Benedic-

tine Mabillon. Its purpose was the knowledge of written documents of the feudal period, and their interpretation as affecting history, law, and social conditions. Anderson not only bequeathed to his country a noble monument of art and learning, in his '*Diplomata Scotiæ*,' but earned and obtained the gratitude of his country by proving and exposing the forgeries of the Charters of Infeudation to England, so often mentioned in this History. His brother Adam was the author of a '*History of Commerce*,' which has also helped us in tracing Paterson, and his connection with the African Company and the Bank of England.

With this exception,—and it is to be noted that James Anderson, though he gave forth accomplished work, confined it to narrow limits,—archæology and history were no better understood in Edinburgh than they had been by Fordoun and Wyntoun nearly four centuries earlier. Sir George Mackenzie, that "noble wit of Scotland," as he was called, wrote some unpoetic poetry, and certain essays, of which the very titles convey a premonition of the jejune and didactic, as "*Solitude preferred to Public Employment*," "*On Moral Gallantry*," "*The Virtuoso, or Stoic*," "*The Moral History of Frugality*." He was a great practical lawyer. One might anticipate that the studies that lead to distinction in this shape, might open the mind to a sense of what is true and what is false in history. But Sir George connected the two with a totally different purpose. When some of the English antiquaries doubted the existence of the long line of Scots monarchs, now known to be fabulous, Sir George, being the Lord Advocate and public prosecutor, proclaimed that had this disloyal curtailment of his majesty's ancestry been perpetrated in Scotland, he would have found it his duty to bring the offending author to justice.

It is rather unexpected, when we look from the credulity of the practical lawyer to the first in that age to open up the real sources of Scots history, to find that it was a Romish priest. The '*Critical Essay on the Ancient Inhabitants of the northern part of Britain, or Scotland*,' has been cited in the earlier part of this History. Its author,

Thomas Innes, however, was a priest in the Scots college at Paris, seldom seen in his own country.

Bishop Burnet, a mighty pulpit orator and a lively annalist, though born in Scotland, was socially an Englishman. It serves also to mark how barren was the literary arena of Scotland, to find how completely Arbuthnot, scarce second to any in brilliancy among the brilliant wits of the reign of Queen Anne, kept his intellectual treasures, along with himself, apart from his own country. There were other men who seemed to see that they must go elsewhere to find sunshine to nourish their literary ambition. There was Michael Thomas Ramsay, the author of the *Life of Turenne* and the *Travels of Cyrus*, who preferred the French language to his own. Alexander Cunningham lived abroad, and wrote the *History of Britain*, through which his name is known, in Latin. Of Alexander Gordon it is only known that he was a Scotsman, though his books on Roman and Egyptian archæology, and his *lives of the Borgias*, took a high place in historical literature.

It is some relief from the dreary contemplation of this arid surface, before bidding farewell, to remember that the germs of a noble literature were arising beneath it. Even before the close of our period, David Hume had published his *Treatise of Human Nature*. It made an epoch in metaphysical philosophy. Its emphasis was not alone in its own originality, profundity, and lucidness of announcement. In its excitement of criticism and controversy, it was the occasion of the rise of two great schools — that of the Scots philosophy of Reid, Stewart, and Brown at home, and the synthetic school of metaphysics inaugurated by Emanuel Kant in Germany. Crowding after him in the lists of famous men we have the two Homes—Henry the Philosopher, better known as Lord Kames, and John, the author of *Douglas*—Tobias Smollett, Adam Smith, William Robertson, John Gregory, John Hunter, Thomas Reid, Joseph Black, Hugh Blair, William Cullen, John Skinner, Moore the novelist, Tytler of Woodhouselee, Burnet of Monboddo, George

**Campbell, Robert Henry, Adam Ferguson, Alexander Gerard, Lord Hailes, James Hutton, John Gregory, and James Beattie.**

**That these men not only existed at the close of our period, but had then received the intellectual nutriment that was presently to fit them for their eminent services, proves that, barren as all appeared to be, there were, in the institutions of the country and the nature of the people, the stimulants of a growth that was to ripen into fulness.**

**END OF THE EIGHTH VOLUME.**

# INDEX.

- Ansor**, Archbishop of Canterbury, at the deathbed of Queen Anne, v. 381—his account of the execution of Sprot, 417 *et seq.*—letter from James VI. on the divine-right question, 430—remonstrates against the alienation of the lands of Arbroath Abbey, 445.
- Abbots**, titular, retained by the early Church, v. 74.
- Aberbrothock** or **Arbroath Abbey**, its domains conveyed to the Hamiltons, v. 445.
- Abercorn**, Saxon monastery at, i. 282.
- Abercorn Castle**, captured by James II., ii. 429.
- Aberdeen**, bishopric of, founded by David I., i. 442—early mention of, as a burgh, ii. 89—taken by Bruce, 256—General Assembly called by the High party at, v. 433—General Assembly of 1616 at, vi. 14—the stronghold of the Cavalier party, 206—commission sent by the Covenanters to, 233—declaration by the clergy against the Covenant, 234—occupied by Montrose, 238—and again, 247—occupied by the Cavaliers, 249—and again by the Covenanters, 252—proceedings of Monro against the Royalists, 321—captured by Montrose, 365—Gordon's picture of, vii. 105—resistance to the Episcopalian deprivation in, 1690, 441—strength of Episcopacy in, 461—Episcopalian clergy in, after 1688, 464—manufacture of woollen stockings at, viii. 35—James VIII. proclaimed at, 263.
- Aberdeen Breviary**, the, i. 264, iii. 328, vi. 4.
- Aberdeen Doctors**, their declaration against the Covenant, vi. 234—the king's approval of it, 235, note.
- Aberdeen University**, date of its foundation, iii. 404—modelled on that of Paris, 404.
- Abernethy**, once the Pictish capital, ii. 52—the round tower at, 104—the abbey of, lay appropriation of its endowments, i. 399, note.
- Abjuration**, Act of, 1662, the, vii. 158.
- Abjuration oath**, the, vii. 250—modification of it, 1716, viii. 386.
- Aboyne**, the Marquis of, murdered at Frendraught, vi. 211 *et seq.*
- Aboyne**, Lord, heads the Gordons after his father's seizure, vi. 242, 244—forces assigned him from those under Hamilton, 244—occupies Aberdeen, 249.
- Absolute power**, claim of James II. to, vii. 267.
- Absolution**, views of Calvin regarding it, iv. 333.
- Achaisus**, King of the Scots, i. 293.
- Achindavy fort**, i. 34, note.
- Achir na Kyle**, burgh at, i. 92.
- Acra**, capture of, by Earl David of Huntingdon, ii. 128, note.
- "Act of Classes"** of 1649, the, vi. 414.
- "Action of reduction,"** what, vi. 80.
- Ada**, sister of William the Lion, claim of her descendants to the crown, ii. 127.
- Adam**, the elder, his works, viii. 542.
- Adamnan**, see St Adamnan.
- Adamson**, Archbishop of St Andrews, on the bishops, v. 81—a member of the Parliament of 1582, 188—proceedings of the Presbyterian party against him, 209—sermon before the king on occasion of Queen Mary's death, 261—his fall, 297—his recantation, 298.
- Admiralty**, arrangements of the Union regarding, viii. 128.
- Adrian IV.**, subjugation of the Irish Church by, i. 242.
- Advocates**, secession of, in 1678, vii. 195—Faculty of, Jacobite medal presented to, and its effect, viii. 243.
- Aeneas Sylvius (Pius II.)**, anecdote of, ii. 336, note—account of coal in Scotland from, iii. 446—his account of the country, 447.
- Æsir**, the, or Scandinavian gods, i. 228.
- Affinity**, the forbidden degree of, ii. 346 *et seq.*, iii. 314 *et seq.*
- African Company (Darien scheme)**, the, Paterson's connection with it, viii. 19—its formation, 21—Act passed by the Scots Parliament, 22—powers conferred on the Company, 23—tracts and other works regarding it, *ib.*, note—English and Scots directors, 23—first reception in England, 26—address of Parliament against it, *ib.*—answer of the king, 27—proceedings of the Commons against the English directors, *ib.*—withdrawal of the English shareholders, 28—motives of the English

- opposition to it, *ib.*—the Scots subscription to it, *ib. et seq.*—the Glasgow subscription, 29—total subscription and analysis of it, 31 *et seq.*—absence of jobbing in it, 32—sanguine expectations through the country, 33—"Committee of Improvements," *ib.*—attention paid to manufactures, &c., 34—warehouses erected, 35—their system of book-keeping, 36, note—attempt to increase their capital by extension of stock abroad, 36 *et seq.*—English opposition to them there, 37—addresses to the king, and his reticence, *ib.*—final answer of the king, 38 *et seq.*—history of the Darien Expedition, 40 *et seq.*—second expedition sent out, 52—and third, 53—feeling caused by the conduct of England and the king, *ib.*—expedition under Campbell of Finab, 54—capitulation to the Spaniards, 57—the failure of the colony the practical destruction of the Company, 58—banking business started by, and its failure, 68—resolutions regarding it in the Estates of 1702, 81—discussions between the Union commissioners regarding it, 83—seizure of one of their vessels by the East India Company, 105—retaliation on the Worcester, 106—terms of the Union regarding it, 132—its shareholders to be repaid out of the Equivalent, 133—the debate in the Scots Parliament on it, 168 *et seq.*—proportion of the Equivalent allotted to it, 188.
- African Company, the English, viii. 20.
- Agnew, Sir Andrew, in 1745, viii. 486.
- Agricola, his invasion of Scotland, i. 1 *et seq.*—the Forth and Clyde chosen as his boundary, 4—his invasion of the territory north of this, 6—the battle of the Mons Grampius, 6—his recall, 7—references of native authors to his campaigns, 11—the site of his great battle, 13 *et seq.*—camps assigned to him, 21—no coins connected with his name found, *ib.*
- Agriculture, state of, before the great war, ii. 107—state of, 1688-1748, viii. 508.
- Ahmed Iber Fozlan, account of the incineration of a Norse chief by, i. 109, note.
- Aidan, King of Dalriada, i. 288—freed from tribute to Ireland, 289.
- Aidan, St, his mission to Northumbria, and foundation of Lindisfarne, i. 297—see St Aidan.
- Aikenhead, Thomas, the case of, and his execution, viii. 76 *et seq.*
- Aikman, W., the painter, viii. 537.
- Ailred of Rievaulx, the Chronicle of, iii. 412—account of the invasion of England and battle of the Standard by, i. 435.
- Airds Moss, the defeat of the Covenanters at, vii. 236.
- Airlie, the Master of, joins the Pretender, viii. 459.
- Airlie Castle, the burning of, vi. 323.
- Alava, Spanish ambassador in France, communications from, regarding marriage between Don Carlos and Queen Mary, iv. 97.
- Albania, the Scottish Dalriada so called i. 207.
- the poem called, viii. 547.
- Albano, court of the Pretender at, viii. 343.
- Albany, the Duke of, brother of Robert III., ii. 372—his inactivity against the English, 377—the plot against the Duke of Rothesay, and his death, 380—becomes governor of the kingdom, 381—army collected by him to aid Percy against Henry IV., 382—supports a supposed Richard II., 383—suspected of collusion in the capture of James I., 384—regent after the death of Robert III., 385—martyrdom of Roseby under him, 386—warfare on the borders, *ib.*—the battle of Harlaw, 392—foundation of University of St Andrews, and his death, 394 *et seq.*—his character, 395 *et seq.*
- Albany, the Duke of, brother of James III., iii. 20—imprisonment at Edinburgh, and escape, 21—the process of forfeiture against him, *ib.*—alliance with England, &c., *ib.*—reconciled to his brother, his treason, and flight to England, 28, 29—the Michael sold to France by him, 72—his position in France, 85—arrival in Scotland as regent, 87—his character, &c., *ib.*—hostilities with Angus, 89—execution of Lord Home, and his return to France, 91—measures for government, &c., in his absence, *ib.*—arranges treaty with France, 94—efforts to bring him back to Scotland, 95—his return and unpopularity, 96—his expulsion demanded by Henry VIII., 97—answer of the Estates to this, 98—army collected under him, 100—its movement to the Border, *ib.*—and failure, 101—his return to France, 102—again in Scotland with French auxiliaries, 104—force assembled under him, 105—repulsed before Wark, and dispersion of his force, 107—his final departure, 108 *et seq.*
- Alberoni, Cardinal, threatened invasion by, 1719, viii. 340.
- Albin, the old name for Scotland, i. 19.
- Albinus, his overthrow by Severus, i. 39.
- Alcluyd or Dumbarton, see Dumbarton.
- Alcuin or Dumbarton, the capital of Strathclyde, ii. 52.
- Ale, proposed duty on, and resistance to it, viii. 353.
- Alexander I., accession and reign of, i. 387—formation of bishopric of St



- Andrews by, 418—measures regarding it, 420 *et seq.*—his efforts for the Catholic revival of the Church, 424—founds the Monastery of Inchcolm, 425.
- Alexander II., his accession, and war with John of England, ii. 7—treaty with Henry III., and lands assigned him in England, 8—troubles in the north, 10—alleged arrangement by him as to the succession of Bruce, 12—invasion of England, 17—treaty of Newcastle, 18—his death, *ib.*—law regarding theft under, 66—statute of, as showing the germ of Parliament, 81.
- Alexander III., accession of, ii. 20—his coronation at Scone, 21—his marriage to Margaret of England, 24—government during his minority, 25—the invasion of King Haco, and its defeat, 32 *et seq.*—cession of the Hebrides, &c., to him, 36—marriage of his daughter to the Prince of Norway, 37—adjustment of Church matters, *ib.*—birth of a son, 40—forged entry of alleged homage to England, 41—death of his children, and dangers thence arising, 42—his second marriage and death, *ib.* 43.
- Alexander, son of Alexander III., his birth, ii. 40—his death, 42.
- Alexander, Prince, brother of James V., his death, iii. 97.
- Alexander, brother of King Robert, the "Wolf of Badenoch," ii. 390 *et seq.*—destroys Elgin Cathedral, &c., *ib.*
- Alexander of Isla, co-operates with the Irish rebels, iii. 155.
- Alexander, John, the painter, viii. 536.
- Alexander, Sir William, see Stirling, Earl of.
- Alexander III., Pope, interferes on behalf of the Scots Church, ii. 4—his death, 6.
- Alford, battle of, vi. 372.
- Alfred, laws, &c., attributed to, ii. 58.
- Alfrid, Prince, i. 271.
- Allan of Galloway, becomes High Constable, ii. 11—descent of Balliol from, 128.
- Allan or Fitz Allan, the family name of the Stewards, ii. 344.
- Allectus, usurpation of the empire in Britain by, i. 41.
- Allexius, Papal legate, ii. 5.
- Alnwick, capture of William the Lion at, i. 446.
- Alston the botanist, viii. 553.
- Altachoylachan, or Glenlivet, the battle of, v. 294.
- Alva, the Duke of, his conference with Catherine at Bayonne, iv. 132 *et seq.*—on the policy of Scotland as a member of the league, 136.
- Alves, negotiates between the Pretender and Edinburgh, viii. 449.
- Amber, ancient ornaments of, i. 123.
- Amboglanna, supposed modern name of i. 20, note.
- Ambrosius, a traditional British prince, i. 169.
- America, the French colonies in, vi. 64.
- American plantations, the "apprenticeship" system in the, viii. 7.
- Ammlanus Marcellinus, notices of the Scots and Picts by, i. 45 *et seq.*
- Amphibalus, traditional Bishop of the Isles, i. 391.
- Amundesham, Walter de, ii. 135.
- Amville, the Marshal d', accompanies Queen Mary to Scotland, iv. 18—an admirer of the queen, 83.
- Analysis, true province of, i. xxi, and note.
- Ancrum, battle of, iii. 236—effect of it on Henry VIII., 240.
- Anderson, Adam, the "Origin of Commerce" by, viii. 15, note.
- Anderson, James, the Archaeologist, viii. 553—refutation of the superiority claim by, 109—reward voted to him, 110.
- Anderson, Joseph, instance of incrimination furnished by, i. 109.
- Anderson, Patrick, censorship of poems by, iv. 321.
- Andreas, Captain, a so-called Indian chief, viii. 46, note.
- Aneurin, the Welsh bard, i. 180.
- Angles, name of, to whom applied, ii. 51.
- Anglo-Saxons, the, their establishment in Britain, i. 181—their barbarism as compared with the Irish Celts, 296—their migrations into Scotland on the Conquest, 373.
- Angus, rise of the house of, and their hostility to the elder branch, ii. 429.
- Angus, the Earl of ("Ball-the-Cat"), defeat of the elder Douglasses by, ii. 429—and again, 432—wounded before Roxburgh Castle, 435—heads the affair at Lauder bridge, iii. 27 *et seq.*—secret treaty with Henry VII., 39.
- Angus, the Earl of, married to Queen Margaret, iii. 85—feud with Albany, and his escape to England, 89—efforts of for supremacy, 94—defeat of the Hamiltons, 95—seizes Edinburgh, *ib.*—takes refuge in France, 103—hatred of the queen, and policy of Wolsey regarding him, 118—divorced from Queen Margaret, 136—returns to Scotland, 137—gets possession of the king, 138—escape of the latter, and his struggle with Arran, &c., 139—his defence of Tantallon, *ib.* and note—animosity of the king to him, and his flight to England, 140, 141—takes part in Northumberland's raid, 154—execution of his sister, Lady Glamis, 169—restored to Scotland, and his forfeiture reversed, 190—obligations under which he came to Henry VIII., *ib.*—difficulty in deal-

- ing with his vassals in support of King Henry, 191—relations of Henry VIII. with him, and efforts to bring him to terms, 216—shelters Sadler in Tantallon, 224—joins the national party, 226, 227—views of King Henry regarding him, 231—his lands ravaged by Hertford, 235—repulsed by Evers and Latour, 236—defeats them, *ib.*—attempt of the queen-regent to get possession of Tantallon from him, 287—Darnley's descent from him, *iv.* 106.
- Angus, the Earl of, at the Raid of Ruthven, *v.* 186—banished from Court, 214—retires to England, 216—Melville's character of him, 217 *et seq.*—one of the signers of the Spanish blanks, 291.
- Angus, Earl of, raising of a Cameronian regiment under him authorised, *vii.* 297—its embodiment, 325.
- Angus, Kenneth, seized by James I., *ii.* 402.
- Angus, Lord of the Isles, rebellion of, *iii.* 64.
- Angus Oig, seizure of Dunivaig Castle by, *v.* 457, 458.
- Angus, Episcopalian clergymen in, after 1688, *vii.* 464.
- Anjou, the Duke of, proposed as husband to Queen Mary, *iv.* 96, 97, *v.* 243—the negotiations for Elizabeth's marriage to him, *v.* 97—his accession as Henry III., *ib.*—alleged project of marriage to Queen Mary, 102.
- Anna Trandson, claims Bothwell as her husband in Denmark, *iv.* 469.
- Annandale, Lord, implicated in the Montgomery Plot, *vii.* 344—his examination in connection with it, 347—after fate, 351—becomes President of the Council, *viii.* 80—Secretary of State in 1705, 110—in 1715, 294.
- Annandale, the, its seizure by the East India Company, *viii.* 105.
- Anne of Denmark, marriage of James VI. to, *v.* 272 *et seq.*—birth of a son, 296—proceedings of the Presbyterian clergy toward her, 304, 305—birth of a daughter, 304—sketch of her character, extracts from her letters, &c., 380 *et seq.*
- Anne, the Princess, afterwards Queen, her relationship to the Succession, *vii.* 283—death of her son, *viii.* 62, 78—her accession, 79—on the Union question, 81—speech on the Queensberry Plot, 97—present at the debate on the Act of Security, 102, note—present at the debate on the Union, 192—the royal assent given to the Act, 197—prosecutions of Episcopalian clergymen under, 217—her death, 249.
- Anne, Queen of France, her appeal to James IV., *iii.* 73.
- Annealy's, the supper at, and band recommending Bothwell as husband to the queen, *iv.* 214.
- Anointing as a part of coronation, *cm.* 11, 25—the absence of it alleged against the Scots kings, *ib.*
- Anselm, Archbishop, *i.* 387.
- Anstruther, Captain, during the massacre of St Bartholomew, *v.* 92.
- Anstruther, one of the Armada at, *v.* 267.
- Ansur, the, a burgh privilege, *ii.* 89.
- Antoninus Pius, reconquest of Britain under, *i.* 32—the northern wall built by him, 33 *et seq.*—the Itinerary of, 39.
- Aodh or Hugh, King, *i.* 331.
- Apocrypha, the, in Scotland, *vi.* 142—use of it in Land's Service-book, 143.
- Apostles' Creed, the, in the Book of Common Order, *iv.* 334.
- Appeals, decisions of, by the Lords Auditors, *iii.* 393.
- Applecross, settlement, &c., of St Maelrubha at, *i.* 263.
- Arbroath, Lord, at the battle of Langside, *iv.* 373.
- Arbroath, the Abbey of, founded by William the Lion, *ii.* 6—its domains bestowed on the Marquis of Hamilton, *v.* 445.
- Arbuckle, W., a subscriber to the Darien scheme, *viii.* 32, note.
- Archæologists, failure of their attempts to classify the stone, bronze, and iron ages, *i.* 125 *et seq.*
- Archbishop, earliest traces of one in Scotland, *i.* 396.
- Archbishopric of Glasgow, creation of, *iii.* 41—of St Andrews, its creation, 16.
- Archery, the English, their defeat at Bannockburn, *ii.* 267—at Homildon Hill, 379.
- Archibald, Earl of Angus ("Bell-the-Cat"), see Angus.
- Archibald, Earl of Douglas, afterwards Duke of Touraine, *ii.* 417.
- Architecture, early domestic, *ii.* 96—its state in Scotland from the great war to the Reformation, *iii.* 428 *et seq.*—its progress from the Reformation, *vii.* 102—state of, 1688-1748, *viii.* 540.
- Ardoch, the Roman camp at, *i.* 74—its supposed connection with the battle of the Mons Grampius, 13.
- Argenson, the Marquis of, treaty with Charles Edward, *viii.* 473.
- Argyle, progress of family under James IV., *iii.* 60.
- Argyle, the Earl of, colleague with Angus, *iii.* 138—measures for pacifying the Highlands under James V., 147 *et seq.*—disgraced, 149—efforts of the English Court to gain him, 150.
- Argyle, the Earl of, his instructions regarding the Cathedral of Dunkeld, *iii.* 354, note—attempts to mediate between the regent and the Reformers, 356—his predominance in the

- west, iv. 47—letter in Scots from Queen Mary to him, 59—Knox's interposition between him and the countess, 62—alleged conspiracy for seizure of the queen, 121—restored to favour, 160—the divorce of the queen proposed to him, 179—attends Mary to Seton after Darnley's murder, 198—one of the councillors who direct Bothwell's trial, 208—acts as justiciar at it, 210—named one of the Council of Regency, 279—amnesty granted to, 291—subjected to ecclesiastical discipline, 322—joins Queen Mary after her escape, 367, 377, note—commands at Langside, 373—hostile gathering under him, v. 2—proposed as regent after Lennox's death, 43—his submission to the Government, 114—Parliamentary indemnity to, 117—quarrel with Morton regarding the Crown jewels, 159—affair of Alister MacCallum, and feud with Athole, *ib. et seq.*—heads the party against Morton, 161—a leader against the Ruthvens, 200—one of the jury on Gowrie, 222—employed against Huntly, 293—his defeat, 294—reconciliation between him and Huntly, 352—persecution of the MacGregors by, vi. 24—his power, 37—adhesion with his Highlanders to the Covenant, 205.
- Argyle, Archibald, Earl of, joins the Covenanters, vi. 205, 230—force sent to aid the Covenanters in Aberdeen, 239—accompanies the march to the Border, 261—proceedings against the Royalists in the west, 322—his cruelties, 323, note—indemnity to him, 324—in the Parliament of 1641, 326—created marquis, 327—the feud between him and Montrose, 333—his supposed views on the throne, *ib.*—the alleged plot for his murder, called the Incident, 334 *et seq.*—movements against Montrose, 367—his territories invaded, and his flight, 369—defeated at Inverlochy, 370—commissioner to Westminster Assembly, 381—opposes the Engagement, 410—defeated in attack on Stirling Castle, 413—heads a new committee of Estates, *ib.*—conferences with Cromwell, 414—his account of the death of Montrose, vii. 8, note—coronation of Charles II. by, 35—treaty with Cromwell, 48—his trial and execution, 149 *et seq.*
- Argyle, the younger, project for his destruction, vii. 243—his position and power, *ib.*—arrested and condemned, but escapes to Holland, 244—the insurrection under him, and its suppression, 259 *et seq.*—his position regarding Monmouth, 259—his arrest and execution, 261.
- Argyle, the Duke of, one of the Commissioners to William III., vii. 294—authorised by the Convention to raise troops, 297—threatened proceedings of the Estates against him, 335, 337—a subscriber to the Darien scheme, viii. 30—Commissioner in 1705, 110—excluded from the Union Commission, 117—charge against Harley by, 245—supports motion for dissolving the Union, 248—Mar's instructions regarding attack on, 261—commands against the rebels, and his character, 271—measures in Scotland, 272—his position at Stirling, 276—proclamation, 278—measures for defence of Edinburgh, 287—attempt on Leith, 289—movements against Mar, 314—battle of Sheriffmuir, 316 *et seq.*—increasing strength of his army, 323—movements against the insurgents, 324—approaches Perth, 325—enters it, 327—fall of, and indignation it excites in Scotland, 345—restored to office, 346—opposes the Forfeited Estates Commission, 350—position taken by him regarding the Scots Judges during the investigation into the Porteous Mob, 365, 366.
- Argyle, the Countess of, present with the queen during the murder of Rizzio, iv. 145, 146—on the night of Darnley's murder, 188—subjected to ecclesiastical discipline, 322.
- Argyle, the Countess of, Morton's efforts to recover Crown jewels from her, v. 158.
- Argyleshire, the sculptured stones of, i. 159—spread of the Scots from Ireland over, 205—attempt of Alexander II. to subjugate, ii. 18—and of the Scots kings, 30.
- Aristocracy, their absorption of Church property, vi. 78.
- Aristocratic privilege, absence of, in Scotland, iii. 398 *et seq.*
- Arkinholm, defeat of the Douglasses at, ii. 429.
- Arles, the Synod of, presence of British bishops at, i. 42.
- Armenians, the then proposed union with the African (Darien) Company, viii. 38.
- Arminius, the German leader, i. 301, 302.
- Armstrong, Andrew, indicted for riot at Holyrood, iv. 75—Dr, viii. 547.
- Armstrongs, the, their power on the Borders, iii. 144—execution of their chiefs, 145 *et seq.*—its effect, 146—their alienation from James V., 152.
- Arran, the Earl of, fleet under him and its failure, iii. 71—as regent, 137—displaced by Angus, 138—appointed regent on the death of James V., 189—his character, *ib.*—his reception of offer of the Princess Elizabeth for his son, 195 *et seq.*—his account to Sadler of the imprisonment, &c., of Beaton, 200—confirms the treaties with England, 206—

- joins the party of the cardinal, *ib.*—his general vacillation, 207—present at deliberation on the English treaties, 220—dismisses the English ambassador, 225—joined by the Assured lords, 227—his son taken in St Andrews Castle by the conspirators against Beaton, 263—his facility as regards the proposed marriage of Queen Mary to his son, 277—deposed from the Regency, 281—created Duke of Chatelherault, 283—negotiations for alliance with England, 349—abandons the Lords of the Congregation, 358—the younger, his escape from France, *ib.*—represents Scotland in the treaty of Berwick, 367—his position in relation to the Crown, *iv.* 83—alleged attempt to seize the queen, *ib.*—reconciliation with Bothwell, 84—plot between them against the queen, and his insanity, 85—arraigned by the Parliament of 1569, *v.* 2.
- Arran, the Earl of, his accession and lunacy, *v.* 165.
- Arran, Stewart, Earl of, his rise, *v.* 176—his character, 177—proceedings against Morton, and fall of the latter, *ib. et seq.*—imprisoned on the Raid of Ruthven, 186—picture of him by the conspirators, 187—subjected to ecclesiastical discipline, 208—the true head of the party against the Ruthvens, 212—defeats their renewed attempts, 214—appearance of Melville before him, 215—final struggle with Ruthven, and fall of the latter, 218 *et seq.*—his supremacy at Court; *ib.*—his treachery toward Gowrie, 219—one of the jury at his trial, 222—conference with Lord Hunsdon, 223—his power and pretensions, 227—account of him by Davison, 228—plot against him, 229—accused of conspiracy on the Border, 230—banished from Court, *ib.*—measures against Maxwell, 235—his fall and flight, 236.
- Arran, Earl of, see Boyd, Thomas.
- Arran, the Earl of, proposal for the recall of James II., *vii.* 284—implicated in the Montgomery Plot, 347.
- Arran, the Countess of, her character, &c., *v.* 228.
- Arrow-heads, flint, beauty of their construction, *i.* 128.
- Arschot, the Duchess of, correspondence of Queen Mary with, regarding her marriage, *iv.* 96.
- Art, works of, Roman, remains of, *i.* 55—its state down to the Reformation, *iii.* 427 *et seq.*—progress in Scotland from the Reformation, *vii.* 100—state of, 1688-1748, *viii.* 536.
- Arth, a friar, sermon against excommunication by, *iii.* 322.
- Arthur, Prince, married to Catherine of Spain, and his death, *iii.* 54, 56.
- Arthur, King, traditional connection of sculptured stones with, *i.* 143.
- Arthur's Oon or Oven, its history, &c., *i.* 53 *et seq.*—Seat, Arthurlee, &c., origin of the names, 171.
- Arthurian legends, the, *i.* 169—age to which they belong, 170—connection with Scotland, 172.
- "Articles of Grievances," the, of the Scots Estates, *vii.* 292 *et seq.*
- Arundel, Lord, a member of the commission on Queen Mary, *iv.* 431.
- Arundel, the Earl of, the conferences for pacification of Berwick held in his tent, *vi.* 267.
- Arville, Nicholas d', topography of Scotland by, *iii.* 176 and note.
- "Ascanius, or the Young Adventurer," *viii.* 501, note.
- Asceticism, rigid, under St Columba, *i.* 253.
- Aser of the Norse mythology, their characteristics, *i.* 228.
- Asgard of the Norsemen, the, *i.* 225.
- Assassination Plot, the, its influence on Scotland, *vii.* 245.
- Assembly of Divines, the, see Westminster.
- Assizes of England, their origin, *i.* 362.
- "Association" project, the, its history, &c., *v.* 195 *et seq.*
- Assurance, the oath of, and its effects, *vii.* 453—its reception by different parties, 454.
- "Assured lords," the, *iii.* 190—their doubtful conduct as regards supporting King Henry, 201—and as to the French alliance, *ib.*—their doubtful conduct, &c., 209—Sadler's reports about them, 211—their peculiar position, 212 *et seq.*—they evade returning to England, 213—treatment of their hostages by Henry, 215—their double-dealing, 226—join the national party, 227—Henry's instructions regarding them, 228.
- Assythement, the law of, *ii.* 65.
- Aston, Sir Roger, *v.* 383.
- Athelstane, alleged acknowledgment of his supremacy by Scotland, *i.* 333—defeat of the Scots by, 334.
- Athole family, their double connection with England and Scotland, *ii.* 312.
- Athole, the Lord of, murdered by the Byssets, *ii.* 16.
- Athole, the Earl of, executed by Edward I., *ii.* 245.
- Athole, the Earl of, a member of Edward Balliol's Parliament, *ii.* 319—his defeat and death, 323.
- Athole, the Earl of, the earldom of Strathearn transferred to, *ii.* 406—one of the conspirators against James I., 407—executed with his grandson, 413.
- Athole, Lord, a member of the Romanist party, *iv.* 11—at Queen Mary's marriage, *iv.* 121—in Holyrood during the

- murder of Rizzio, 147—named one of the Council of Regency, 279—accompanies Murray to Lochleven, 286—meeting with Seton, Lethington, &c., against Murray, v. 7—feud with Argyle, and Morton's intervention, 159—joins with Argyle against Morton, 161—becomes Chancellor, 163—suspected poisoning of him, 165.
- Athole, Lord, joins Glencairn for Charles II., vii. 68.
- Athole, the Marquis of, a candidate for the presidency of the Convention, vii. 302—implicated in the Montgomery Plot, 348—his position during Claverhouse's campaign, 373—feud of, with the Frasers, 414—a subscriber to the Darien scheme, viii. 30—charged by Lovat with Jacobitism, 95, 96—proposed levy of the Highlanders under him against the Union, 162—the charge of bribery against him, 180—declines concurrence in the proposed rising of 1708, 199—in 1745, 440.
- Athole, the Duke of, and the Glen Tilt case, ii. 76.
- Athole men, the, at the rising in 1715, viii. 257.
- Attacotti, the, named as a Scots race, i. 45—the Scots in Scotland so called, 206.
- Atwood, W., revival in 1705 of the superiority claim, viii. 109.
- Aubigné, the Lord of, afterwards Duke of Lennox, his arrival in Scotland, v. 167. See Lennox.
- Auchendoun, the Laird of, defeats of the Forbeses by him, v. 69.
- Auchenshauch Declaration, the, viii. 237, 240.
- Auchincloich, Roman remains near, i. 64, note.
- Auchterhouse, the Laird of, in 1715, viii. 259.
- Auchy or Achauns, King of the Scots, i. 293.
- Aude, daughter of Ketil Flatnef, voyages of, i. 306.
- Auldbar, the Laird of, in 1715, viii. 259.
- Auldearn, battle of, vi. 371.
- Annale, the Duke of, accompanies Queen Mary to Scotland, iv. 18.
- Ansonius, reference to the Druids by, i. 215.
- Authorities, early local, ii. 53 *et seq.*
- Ayr, its charter, ii. 88—Brereton's sketch of, vii. 108.
- Ayrshire, the Highland host in, vii. 189.
- Aytoun, Sir Robert, his poems, vii. 81.
- Aytoun, William, the architect of Heriot's Hospital, vii. 104, note.
- Bacon, Lord, his speech in favour of the Union project, v. 408—and on the case of the postnati, 413.
- Bacon, Sir Nicholas, a member of the commission on Queen Mary, iv. 431.
- Bagimond's Roll, its origin and history, ii. 38 *et seq.*
- Bailey, Charles, a secret emissary of Leslie's, v. 105.
- Baillie, General, sent against Montrose, vi. 371—his defeat at Alford, 372—and at Kilsyth, 373.
- Baillie, Rev. R., on the introduction of Laud's Liturgy, vi. 125, note—his account of the Bishop of Brechin and the Service-book, 157—of the Bishop of Galloway, 171—of the crimes charged against the bishops, 231 *et seq.*—of the march to the Border, 259 *et seq.* 262—and of the camp on Dunse Law, 264—of the king's demeanour at the conference, 267—accompanies the march into England, 301—account of the occupation, &c., of Newcastle, 307—on Strafford's arrest, 318—on the feeling against Episcopacy, &c., 319—his account of the "Incident," 336, note—commissioner to the Westminster Assembly, 381—notice from him of it, 4b. 382 *et seq.* 390, 391—on the metrical versions of the Psalms, 399 *et seq.* notes—one of the commissioners to Charles II., vii. 9—his testimony to Cromwell's moderation, 31—his escape from the decision on "the causes of God's wrath," 34—on the debates as to employing Malignants, 35—on Strachan and the Western Whigs, 39—account of Cromwell's dismissal of the Assembly, 49—on the difficulties regarding the petition against toleration, 69—his letters, &c., 78.
- Baillie, David, connected with the Queensberry Plot, viii. 96, 97.
- Baillie, Rev. Mr., one of deputation to the Court in 1711, viii. 223.
- Baillie of Jarviswood, trial and execution of, vii. 247.
- Baillie of Jarviswood, joins William of Orange, vii. 269—viii. 100—a leader of the Squadrone, 111.
- Balcarran, Rev. W., attack on Lennox by, v. 205—disturbance excited in Edinburgh by, 310—his conduct regarding the Gowrie Conspiracy, 339—discussion with the king on it, 340—the author of the 'Large Declaration' of Charles I., vi. 278—denounced by the Assembly, 4b.—excepted from indemnity of 1641, 329.
- Balcarras, Lord, seizure of, vii. 364.
- Balder, the Norse deity, i. 225—the myth of his death, 226.
- Balfour, Sir James, fellow-prisoner with Knox in France, iii. 368—his after-character, 4b.—draws the bond for Darnley's murder, iv. 182—denounced in the placards as one of the murderers, 196—the marriage-contract between the queen and Bothwell drawn up by

- him, 226—deserts Bothwell, and gives up Edinburgh Castle to the confederates, 237—removed from command of Edinburgh Castle, 290—Murray's difficulties regarding him in connection with Darnley's murder, 358—arrested by Murray, v. 7—present at the conference between Knox and Lethington, 55, 59, 61—aid from France to Kirkcaldy intercepted by him, 118.
- Balfour, James, his conduct regarding the Gowrie Conspiracy, v. 339—discussion with the king, 340.
- Balfour, Sir James, on King Charles's revocation, vi. 76—on the Commission of Grievances, *ib.*—on the Parliament of 1633, 89—account of Charles I.'s coronation, 91—account of the proceedings against the Engagers by him, 415, note—his account of the massacre of Dundee, vii. 42, note.
- Balfour, John, of Burley, vii. 209—one of Sharp's murderers, 210, 212 *et seq.*—after the deed, 219—present at Drumclog, 224.
- Balfour, Robert, the owner of Kirk-of-Field, iv. 184.
- Balfour, Colonel, vii. 369—proclaims James VIII. in 1715, viii. 263.
- Balliol, Bernard de, i. 446—at the battle of the Standard, 437.
- Balliol, John, charges of rebellion brought against Bruce, ii. 43, note—supported by the Bishop of St Andrews, 116—summoned to the meeting of barons at Norham, 117—accepts Edward's superiority, 124—ground of his claim to the crown, 128 *et seq.*—arbiters appointed between him and Bruce, 132—decision in his favour, 145 *et seq.*—his pleadings, 148, 151—final judgment for him, 154—his investiture, 156—his coronation at Soone, and yields homage as king to Edward, *ib.*—his reception as king, 157—renounces the treaty of Brigham, 159—cited to appear in law cases before Edward, 160—his demeanour there, 161—treaty with France against England, 165—ground assumed by him, 166—renounces his vassalship, 170.
- Balliol, Edward, ii. 298—his position as regards the Scots crown, 310—invades Scotland with the disinherited barons, 315—victory at Duplin, *ib.*—besieged in Perth, *ib.*—crowned at Soone, *ib.*—yields superiority to England, 316, 319—proceedings of Parliament under him, 319—abandons Scotland, 324—assisted by the English, 330—formal surrender of his crown to Edward III., 334—his French estates forfeited, *ib.*
- Ballads, the Scots, vii. 87 *et seq.*
- Ballot, motion for the, in the Scots Parliament, viii. 113.
- Balmerino, Lord, joins the Pretender, viii. 460—trial and execution of, 497.
- Balmerinoch, Secretary of State, tried in connection with James VI.'s letter to the Pope, v. 353.
- Balmerinoch, Lord, restoration of his estates, v. 454—his trial in connection with the Supplication of 1633, vi. 94 *et seq.*—condemned, but pardoned, 97.
- Balmerinoch, Lord, commissioner to Westminster Assembly, vi. 381.
- Balnmoon, the Laird of, ii. 428.
- Balnmoon, defeat of the Earl of Crawford at, ii. 428.
- Balnaves, Henry, at the formal accusation of the queen, iv. 440, note.
- Balthasar, Don, defeat of, by the Darien colonists, viii. 57.
- Bancroft, Archbishop, attack by Melville on him, v. 438.
- Banff, Lord, viii. 179, and note.
- "Banished lords," the, 1583, v. 214—their proceedings, &c., in England, 216—they are outlawed, 223—their surrender demanded, 224—their return in arms, 236.
- Bank of England, Paterson's connection with it, viii. 16—its establishment, 18—Paterson a director, 19, note.
- Bank of Scotland, its foundation, viii. 67.
- Banking, Paterson's views on, viii. 17—system of Scotland, foundation of it, 67.
- Bankruptcy, Act of the Scots Parliament regarding it, 1695, viii. 68—history of previous legislation on it, 69 *et seq.*
- Bannatyne, notice of John Hamilton by him, v. 37, note—his account of the last conference between Knox and Lethington, 62, note—his character of Knox, 87.
- Bannock Water, the, ii. 263, 264, note.
- Bannockburn, circumstances which led to it, determined its site, &c., 262—the battle, 265 *et seq.*—completeness of the defeat, 268.
- 'Banquet of Dun na N-Gedh,' the, notice of, i. 291, note.
- Baptism, directions of the Book of Common Order regarding, iv. 338.
- Barbour's Bruce, character of, ii. 254, note—its date, &c., iii. 413—notice of Bannockburn from, ii. 266, note.
- Barclay, John, his work on the Quakers, vii. 271, note—Captain, his pedigree, ii. 346, note.
- Barhill fort, i. 34, note.
- Barlow, English resident in Scotland, iii. 158.
- Barlow, Dr, account of James VI. at the Hampton Court conference by, v. 426, 429, note.
- Barmkin hill, fort on, i. 85.
- Barnard, Sir John, opposes the bill for the punishment of Edinburgh for the Porteous Mob, viii. 366.
- Baron, Robert, vi. 234—writes in favour of the Service-book, 157.
- Baronets of Nova Scotia, the, vi. 63.

- Baronial architecture, its state in Scotland to the Reformation, iii. 433 *et seq.*—its progress from the Reformation, vii. 103.
- Barons, the, in the Parliament of 1640, vi. 283.
- Barony, burghs of, ii. 85.
- Barron, James, iv. 119.
- Barrows or tumuli, attempt to classify, i. 110—contents of, 126, note.
- Bartholomew, Roger, lawsuit appealed to Edward I. by, ii. 158.
- Barton, Captain, commands Perkin Warbeck's escort, iii. 50—his naval exploits and death, 70 *et seq.*
- Barton, W., metrical Psalter by, vi. 400.
- Bascube, the Laird of, heads the insurgent Covenanters, vii. 171.
- 'Baslikon Doron,' the, v. 387—attack by the clergy on it, 315.
- Bass Rock, seized by the Jacobites, vii. 414—its siege, 415 *et seq.*—its surrender, 417—fortress dismantled, 418.
- Bassendyne, Kirk censorship of works printed by him, iv. 321.
- Basset, Ralph, governor of Edinburgh Castle, ii. 137.
- Basterna, the, the Peukini identified with, i. 187, note.
- Bastiat, the marriage of, on the night of Darnley's murder, iv. 189, 191—denounced as one of Darnley's murderers, 196—leaves the country, 199.
- Bastie, the Sieur de la, his murder, iii. 91 *et seq.*
- Baston, a friar, his capture at Bannockburn, ii. 270.
- Bateman, Mr, tumuli examined by, i. 126, note.
- Baths, Roman, supposed remains of, i. 54.
- Battle, the wager of, ii. 66, 67 *et seq.*
- Beanston, the Laird of, iv. 237.
- Beaton, Chancellor, divorce of Queen Margaret from Angus by, iii. 137.
- Beaton, Bishop James, iii. 94—his views and policy, 111 *et seq.*—Wolsey's attempts to secure his person, 113 *et seq.*—temporarily imprisoned, 116—during the negotiations for treaty with England, 135.
- Beaton, Archbishop of Glasgow, one of the commissioners to France on Queen Mary's marriage, iii. 289.
- Beaton, David, afterwards Cardinal, iii. 112—dissuades the king from visiting Henry VIII., 163—negotiates the second marriage of James V., 168—becomes Archbishop of St Andrews, 170—his character, &c., *ib.*—attempt to secure the person of Queen Mary on her father's death, 189—his imprisonment and charge against him, 198—his liberation, &c., 200—is joined by the Regent Arran, 206—objections urged by him to the English treaties, 220 *et seq.*—arrest and execution of Wishart by him, 253 *et seq.*—the question as to the complicity of the latter in the plot against him, 257 *et seq.*—his profligacy, iv. 20, 22—his wealth, 25—the plot for his assassination, iii. 258 *et seq.*—his death, 262.
- Beaton, Bishop, communications from, regarding marriage between Don Carlos and Queen Mary, iv. 97—letter from Mary to him after Darnley's murder, 194—and from him, 206—sent by the queen and Bothwell as emissary to the governor of Edinburgh Castle, 237—account of the queen's extraordinary conduct on the night of her being brought back to Edinburgh, 250—mentioned in the queen's State, 266, note—Mary's letter to him on the assassination of Murray, v. 19—appeal by Lethington through him to France for aid, 65.
- Beaton's Mill, the scene of the death of James III., iii. 34, note.
- Beaufort, Jane, marriage of James I. to, ii. 397.
- Beaue, the battle of, ii. 398.
- Beaumont, Henry de, one of the disinherited barons, ii. 312—or Bellmont, a member of Edward Balliol's Parliament, 319—hostility to Balliol, 321.
- Beaumont, M. de, French ambassador to Queen Mary, joins her after her escape from Lochleven, iv. 368—his return to France, 396.
- Beck, Anthony, Bishop of Durham, ii. 117—his flight from Scotland, 185—capture of the Castle of Dirleton by, 199—at the siege of Caerlaverock, 216.
- Beda, notice of St Ninian from, i. 42, 68—on the early British Church, 180—notice of the Pictish language by, 186—on the Easter controversy, 268—on St Aldan, 269—his account of the Abbot Ceolfrid's letter to King Naitan, 273—notice of the Picts by, 284—notice of Aidan from, 290—his testimony to the Celtic civilisation, 296—his account of King Oswald and Aidan, *ib.*—the Chronicle of, its value to Scots history, iii. 411.
- Bedford, Lord, English ambassador in France, interviews with Queen Mary there, iv. 13—instructions of Elizabeth to him as regards the confederate lords, 130—cognisant of the intended murder of Rizzio, 142—his account of it, 145, 151, note—account of Bothwell's predominance, 176—intimation to him of the intended marriage to Bothwell, 207.
- Bedford, the Earl of, captured at the Raid of the Redeswire, v. 153.
- Bedford, Countess of, chief mourner at the funeral of Queen Mary, v. 260.
- Bedrule, destroyed by the English, v. 24.



- Belhaven, Lord, a subscriber to the Darien scheme, viii. 29—a leader of Opposition, 64—his speech against the Union, 150 *et seq.*—improvements in agriculture by, 511.
- Bell, leader of the attack on Stirling when the Regent Lennox is killed, v. 39.
- Bell, H. G., his 'Life of Queen Mary,' iv. 444, note.
- Bellarmino, Cardinal, v. 353.
- Bellenden on King David's Church endowments, i. 442, note.
- Bellenden, Thomas, report from, on the views of James V. regarding the Church, ii. 170.
- Bellenden, Archdeacon, on the internal state of the Church, ii. 326, note.
- Bellenden, Justice-Clerk, present at the Council which directs Bothwell's trial, iv. 208.
- Bellenden, Adam, Bishop of Dunblane, his difficulties, &c., v. 459 *et seq.*—letter from Laud to, vi. 101, note.
- Bellenden, Sir John, at the coronation of James VI., iv. 285.
- Bemulle, the Roman fort of, i. 34, 35.
- Benochie, the Maiden Stone at, i. 144.
- Bergen, woman claiming to be Margaret of Scotland executed at, ii. 113—landing of Bothwell at, iv. 464.
- Berkeley, David de, murder of, ii. 326.
- Berry, William, the intaglios of, viii. 540.
- Berwick, the Duke of, the intended commander of invading force, vii. 351.
- Berwick, Arthurian legend regarding, i. 171—Castle, surrendered to the English, 448—its early importance, ii. 53—burgher laws in, 68—one of the four burghs, 90—changes it has undergone, 94—early bridge at, 95—siege and capture of, by Edward I., 168 *et seq.*—recaptured by the Scots, 194—recaptured by Bruce, 278—besieged by the English, 279 *et seq.*—siege and capture of, by Edward III., 317 *et seq.*—its subsequent history, 318—besieged by the Scots, 335—surrendered by Henry VI. to Scotland, iii. 2—recaptured by the English, 29—treaty of, between Elizabeth and the Lords of the Congregation, 366 *et seq.*—reception of James VI. in, v. 359—the pacification of, between Charles I. and the Covenanters, vi. 267 *et seq.*—this closes the contest in the north, 253.
- Berwickshire ravished by the English, iii. 153.
- Béthencourt, arrival of, as ambassador from France, iii. 348.
- Bevois, M. de, French ambassador to Scotland, iii. 155.
- Beza, his 'Vindiciæ contra Tyrannos,' v. 334, note.
- Bianci, the Italian poisoner, v. 168.
- Bible, the authorised, in the vernacular in Scotland, iii. 337—the authorised version, its origin, &c., v. 430—this never formally adopted in Scotland, vi. 107—versions there used, *ib.*—the canonical, as fixed by the Westminster Assembly, 401.
- Billeting Act, the, vii. 163 *et seq.*
- Binning, Lord, see Hamilton, Sir Thomas.
- Birrena, proofs of Roman occupancy at, i. 62.
- Bishop, Thomas, letter from, against the intended marriage to Bothwell, iv. 205.
- Bishope, position, &c., of, in the time of St Columba, i. 251—their great number, &c., in the Irish Church, 252—traditional list of early, 391—first trustworthy notice of, in the Scots Church, 396—their position in the Columbite Church, 403—titular, retained by the Church, as first organised, v. 74—their position in it, 76—form for their election, *ib.*—resolutions of General Assembly regarding them, 77—their position in the Kirk to 1574, 146—charges against them in the Assembly, 147—motive of these, 148—discussions as to their lawfulness, &c., *ib.* *et seq.*—hostile attitude of the Assembly toward them, 201—proceedings against them, 209—Act enforcing submission to the, 232—its general acceptance by the clergy, 233—restoration of them in Scotland, v. 441—measures for their due consecration, 443—their pecuniary difficulties, 445 *et seq.*—their subservience to Laud, vi. 101 *et seq.*—their position in connection with Laud's measures, 157—their removal from the Council demanded by the Supplicants, 176—their withdrawal, 177—their trial by the Assembly of 1638, 231 *et seq.*—they retire to England, 233—in the Convention Parliament, vii. 421—difficulties of the Scots Episcopal Church in providing, viii. 419.
- Bisset, Baldred, envoy to the Papal Court, ii. 208.
- Black, Rev. David, v. 300—attack on Queen Elizabeth in the pulpit, and his trial for it, 309 *et seq.*
- "Black Agnes" of Dunbar, ii. 324.
- Black Aida or Aidus, the story of, i. 251.
- Black or Holy Rood, its seizure by Edward I., ii. 175—its restoration, 305—again taken at Neville's Cross, 320.
- Black Castle, flight of Mary from Bothwell Castle to, iv. 235.
- "Black Watch," the embodying of, viii. 375—their mutiny and flight from London, 376 *et seq.*
- Blackadder, Archbishop of Glasgow, persecution of the Lollards by, iii. 43.
- Blackadder, Captain, his account of the abduction of Queen Mary, iv. 216—



- Colonel, at the siege of Dunkeld, vii. 390, note—services of, in 1715, viii. 273.
- Blackfriars' Monastery, Perth, murder of James I. in the, ii. 407—destroyed by the Reformers, iii. 351—Edinburgh, attack by mob on it, 250.
- Blackness, commencement of the wall of Antonine near, i. 34.
- Blackwell, Prof., one of deputation to the Court in 1711, viii. 223, and note.
- Blackwood, Adam, his rejection of the casket letters as forgeries, iv. 407, note.
- Bladus, traditional Bishop of the Isles, i. 391.
- Blaeu, Scotland as represented in his Atlas, i. 17, note.
- Blair, The Grave, by, viii. 547.
- Blair, the Laird of, captured by Claverhouse, vii. 368.
- Blair, burial of Claverhouse at, vii. 382.
- Blair Castle, its importance, and efforts of Mackay to secure it, vii. 371—and of Claverhouse, 373—captured by Mackay, 390—held by the Royalists in 1745, viii. 486.
- Blaithmac, Abbot of Iona, martyrdom of, i. 276.
- Blakeney, General, in 1745, viii. 480.
- Blakhal, Gilbert, vi. 207, note.
- Blantyre, Lord, authorised by the Convention to raise troops, vii. 297.
- Bleking, remarkable Runic stone at, i. 140, note.
- Blind Harry's Wallace, date, &c., of, iii. 413.
- "Blue Ribbon" of the Covenanters, the, vi. 248, and note.
- Boadicea, questions as to the received histories of, i. 12.
- "Board of Trustees," the, viii. 514.
- Bochetel, French envoy to the Emperor of Germany, iv. 97.
- Body-guard, want of one on the accession of Queen Mary, iv. 23.
- Boece Hector, use made by him of the Agricola of Tacitus, i. 11 *et seq.*—his account of Galgacus, Caractacus, &c., 12—and of the Grampians, 16, note—on the Roman remains in Scotland, 51, note—on Arthur's Oon, 53—on the sculptured stones, 155—his account of the battle of Luncarty, 339, note—and of the murder of Kenneth III., *ib.*, note—on the capture of Aberdeen, ii. 256, note—first Principal of King's College, Aberdeen, iii. 404—characteristics of his History, 414.
- Bohun, Sir Henry de, killed at Bannockburn, ii. 266.
- Bolamund de Vicci or Bagimond, rating of Church lands by, ii. 38.
- Bollingbroke, his accession to office, viii. 223—secretly implicated with the Jacobites, 243—his policy on the charge against Harley, 245.
- Bolton Castle, removal of Queen Mary to, iv. 393—and from it, v. 248.
- Bondsmen or thralls, ancient laws regarding, ii. 72 *et seq.*—burgh regulations regarding, 92 note.
- Bone, ancient ornaments of, i. 123.
- Book of Canons and Ordination abolished by Assembly of 1638, vi. 230—and again by that of 1639, 272.
- Book of Common Order, the, its origin and history, iv. 331—its character, 332—differences between it and the English Liturgy, 333—directions for the ministration of the Lord's Supper, 335 *et seq.*—marriage, 338—baptism, *ib.*—variations in different editions, 339—the various editions of it, 341, 342—directions regarding the burial of the dead, 346 *et seq.*—translation of it into Gaelic, 348 *et seq.*—its general use, vi. 115—enlarged version of it, 1618, 116.
- Book of Common Prayer, the English, at first used in the Scots Kirk, iv. 330—differences between it and the Scots Book of Common Order, 332.
- Book of Discipline, dissensions between the clergy and laity regarding it, iv. 34 *et seq.*—rejected by the State, v. 146—the Second, 202 *et seq.*—it rejected by Parliament, 204.
- "Book of Ordination," Laud's, vi. 105, note, 230, 272.
- Boot, the torture of the, vii. 175.
- Borcovicus, supposed modern name of, i. 20, note.
- Border laws, repeal of, after the accession of James VI. to the English throne, v. 409.
- Border peels, remains of, iii. 434.
- Borderers, the, proceedings of James V. against, iii. 142 *et seq.*—their alienation from James V., 152—their conduct at the battle of Ancrum, 237—traffickings of Henry VIII. with them, *ib.* *et seq.*—excommunication or cursing of, 320 *et seq.*—expedition of Murray against them, iv. 46—measures of Murray against them, v. 8—shelter the fugitive leaders of the northern rebellion, and invade England, 22—excepted from truce of 1572, 73.
- Borders, position of affairs on the, iii. 221—Bothwell created warden, iv. 163—vigorous measures of Murray on, 356—troubles on the, 1575, v. 153—negotiations with England regarding them, 154—troubles on, 1584, 229—and on Queen Mary's execution, 262—disorders on, and their repression, vi. 18.
- Bore Stone, the, at Bannockburn, ii. 264, note.
- Borough or burgh, origin of name, ii. 86.
- Boroughs, a member of the Westminster Assembly, vi. 388.
- Borthwick, commander of artillery at Flodden, iii. 77.

Borthwick, Lord, one of the queen's party, iv. 377, note.  
 Borthwick Castle, style of, iii. 434—flight of the queen and Bothwell to, iv. 234—their escape from it, *ib.*—the battering of, by Cromwell, vii. 45, note.  
 Boston, Rev. T., discovery of 'The Marrow of Modern Divinity' by, viii. 400—his 'Fourfold State,' 401.  
 Bothgowan, the scene of the slaughter of King Duncan, i. 343.  
 Bothwell, Earl, joins the English, iii. 150—arrest of Wishart by, 253.  
 Bothwell, Earl, said by Leslie to have accompanied Queen Mary from France, iv. 18, note—his alleged plot with Arran for the seizure of the queen, 84 *et seq.*—impeached for it, 85—his trial for the conspiracy with Arran, 110—joins the queen after her marriage, 125—notice of his influence by Castelnau, 129—his marriage to Lady Jane Gordon, 126, 138—increasing favour with the queen, 140—in Holyrood during the murder of Rizzio, 147—his escape from the palace, 150—the queen's first indication of her love to him, 162, 173—his position, character, &c., 163—estates and offices conferred on him, *ib.* *et seq.*—his personal appearance, 174—his rank and means, *ib.*—his ancestry, and their connections with royalty, *ib.*—his services to the queen, 175—his predominance at Court, *ib.*—wounded in a Border fray, and the queen's visit to him, 176 *et seq.*—on the proposed divorce of the queen from Darnley, 179—superintends the baptism of the prince, 181—his movements and proceedings on the night of Darnley's murder, 188 *et seq.*—informs the queen of her husband's death, 191—his report to Melville of Darnley's death, *ib.*, note—his first proceedings after the murder, 194—the ambassadors of France, &c., refused inspection of the body, *ib.*—denounced in the placards as one of the murderers, 196—the feudal superiority of Leith conferred on him, 198—attends Mary to Seton, 199—their amusements, &c., there, *ib.*—denounced, and his trial demanded by Lennox, and agreed to by the queen, 202—his arrogance and violence, 203—his rapid advancement, and first hints of the marriage, 204—his anger against the remonstrants, 206—the proceedings on his trial, 208 *et seq.*—its results, 210 *et seq.*—challenge by him after his trial, 211—declaration obtained by him from Parliament regarding the Church, 212—emoluments conferred on him, 213—his wealth and power at this time, 214—the band recommending him as husband to the queen, 215—carries her off on her return from Stirling, 216 *et seq.*—prepara-

tions for his divorce, 218—sentence of it pronounced, *ib.*—commission issued by the queen regarding it, 221—the alleged ground of consanguinity, *ib.*—the alleged dispensation, 223, and note—his return to Edinburgh, 224—the "declaration" of the queen's liberty, *ib.*—created Duke of Orkney, *ib.*—preparations for the marriage, *ib.*—proclamation of the banns, and conduct of Craig regarding this, 225—the marriage-contract, &c., 226—the marriage, 227—Sir James Melville's interview with him that day, *ib.*—the scene of the marriage, 228—their early married life, *ib.*—flight to Borthwick Castle, 234—his escape from it, is joined by the queen, and flees to Dunbar, *ib.*—the confederacy against him, 235—loses Edinburgh Castle, 236—proclamation of the confederates against him, 238—his march against them, and forces raised, 239—position at Carberry Hill, 240—Le Croc's attempts to mediate, 241 *et seq.*—the conferences there, 245 *et seq.*—his flight and surrender of the queen, 246—his treatment of the queen, 247—her expressed determination to adhere to him, 251 *et seq.*—the casket letters, 252 *et seq.*—his flight to Orkney, 463—his escape to Denmark, and ultimate fate there, 464 *et seq.*—his confession, 470—Professor Schiern's work on his residence in Denmark, 472, note—Queen Mary agrees to divorce him, 435—accepted from truce of 1572, v. 73—Crown jewels, &c., given by Mary to him, 155—questionableness of the mummy said to be his body, 473.

Bothwell, the second Earl of, his parentage, &c., v. 281—his first attempt to seize the king, 282—again at Falkland, *ib.*—and again, 283—and again at Leith, *ib.*—his after-life, *ib.*—his popularity, 284—English rumours regarding him, *ib.*—proceedings of Huntly against him, 289.

Bothwell, Adam, Bishop of Orkney, the marriage ceremony between the queen and Bothwell performed by, iv. 227—performs the anointing at the coronation of James VI., 284—deposed for his part in the marriage of the queen, 327—one of the commissioners to York, 417—at the formal accusation of the queen, 440, note—a member of the Parliament of 1582, v. 188.

Bothwell Bridge, the battle of, vii. 234.

Bothwell Castle, the ruins of, ii. 99—capture of, by the Scots, 324.

Boundary question, commission to settle it, ii. 9.

Bournezel, the Lord of, his embassy to Scotland, ii. 350.

Boutot, M., trade governor of Orkney iii. 286.

- Bower, account of the coronation of Alexander III. by, *ii*. 21, note — account of the martyrdom of Reseby by, 386.
- Bower, Laird, implicated in the Gowrie Conspiracy, *v*. 346, 416 *et seq.*
- Bower or Bowmaker, Walter, one of the writers of the *Scotichronicon*, *iii*. 414.
- Bowes, Sir Robert, raid into Scotland by, and his defeat, *iii*. 182 — during Hertford's second raid, 241 — account of the struggle for possession of James VI., *v*. 163 *et seq.* — efforts to prevent civil war, 164 — sent on mission to counteract Aubigné, 171 *et seq.* — his reception, 173 *et seq.* — his recall, 175 — efforts to save Morton, 178 — instructions regarding the king, 182 — account of the Doune Castle plot, 185 — conversation with Ruthven, *ib.* — sent as ambassador after the Ruthven Raid, 189 *et seq.* — gifts to the conspirators, 190 — account of the plots, and final dismissal of Lennox, 192 *et seq.* — curious conferences with the king, 193 — the association project, 195 *et seq.* — negotiations regarding the casket letters, 198 — rumours sent by him to England, 199, 200.
- Boyd, rise of the, under James III., *iii*. 6 — honours, estates, &c., appropriated by, 7 — their fall, 12.
- Boyd, Sir Alexander, tutor to James III., *iii*. 6 — carries off the king to Edinburgh, 7 — his fall and execution, 12.
- Boyd, Thomas, created Earl of Arran, and married to the king's sister, *iii*. 8 — his fall and flight, 12 — his subsequent fate, 13, and note.
- Boyd, Lord, *iii*. 6 — guardian of the king, &c., 7 — his fall and flight, 12.
- Boyd, Lord, one of the queen's party, *iv*. 377, note — one of Mary's commissioners at York, 415 — commission from Queen Mary to sue out her divorce from Bothwell, 435 — indemnity to, *v*. 117.
- Boyd, George, indicted for riot at Holyrood, *iv*. 75.
- Boyd, Wm., his motives and views in conforming to the Establishment, *vii*. 433.
- Boyd, Zachary, his metrical version of the Psalms, *vi*. 399.
- Boyer d'Egville, the Marquis, in 1745, *viii*. 480.
- Brabazon, Roger, Chief Justice to Edward I., *ii*. 118.
- Bracelet, gold, ancient, *i*. 122, note.
- Braemar, the gathering at, in 1715, *viii*. 257 *et seq.*
- Braemar Castle, *viii*. 260, note — destruction of, *vii*. 371.
- Brahe, Steen, and Børgen, witnesses to Bothwell's confession, *iv*. 472.
- Brand, Rev. John, charged by the Presbyterians with defection, *v*. 233.
- Brandubh, legend of, *i*. 253, note.
- Brandy, importations into the Thames from Scotland, and their seizure, *viii*. 207 — settlement of the question, 208.
- Brankstone or Flodden, battle of, *iii*. 77.
- Brantôme, accompanies Queen Mary to Scotland, and his account of the voyage, *iv*. 18 — his account of Châtelar, 86, 88.
- Branxholm, destroyed by the English, *v*. 24.
- Braun on the name Culdee, *i*. 394, note.
- Braxfield, Lord, on forest laws, *ii*. 77, note.
- Bread, old regulations regarding, *ii*. 105.
- Breadalbane, as one of the heads of the Campbells, *vi*. 37.
- Breadalbane, the Earl of, implicated in the Montgomery Plot, *vii*. 348 — his proposals regarding the Highlands, 395 — his negotiations with the chiefs, 396, 397 — his suspected treachery, 398 — the Massacre of Glencoe, 402 *et seq.* — charged with high treason for the massacre, 410 — his policy as to the French descent in 1708, *viii*. 199 — measures against, 1714, 252 — his conduct in 1715, 267 — sketch of him, 314, note.
- Breadalbane men, the, in the rising of 1715, *viii*. 257, 258.
- Brechin, the abbot of the Culdees of, *i*. 398 — bishopric of, founded by David I., 442 — the round tower at, *ii*. 104 — ancient bridge at, 110 — Castle of, taken by Edward I., 219 — Cathedral, the architecture of, *iii*. 431 — success of the king's party at, *v*. 35 — Bishop of, uses Laud's Service-book, *vi*. 157 — James VIII. proclaimed at, *viii*. 263.
- Bremenium, now called High Rochester, *i*. 20, note, 31.
- Brereton, Sir William, his sketch of Edinburgh, *vii*. 105 — and of other towns in Scotland, 107 *et seq.*
- Bretagne, John de, appointed Lieutenant of Scotland, *ii*. 231 — driven out by the Scots, 243.
- Bretagne, origin of the province of, *i*. 44.
- Brets and Scots, the ancient laws of the, *ii*. 62 — cancelled by Edward I., 232.
- Brett, Captain, engagement with the Pretender's force, *viii*. 434.
- Breviaries, various, *vi*. 4.
- Breviary, the Romish, the source of the Reformed Liturgies, *iv*. 329 — of Aberdeen, the, *i*. 264, and note — printed by Chepman, *iii*. 425 — commemoration of the medieval saints and their miracles in, *iii*. 329 *et seq.*
- Bribery, the charge of, in connection with the Union, *viii*. 178 *et seq.* — the parliamentary investigation into it, 180.
- Bridge, a member of the Westminster Assembly, *vi*. 388.

- Bridge of Dee, the affair of the, vi. 252.  
 Bridges, early, ii. 110.  
 Brienne, John de, second husband of Mary de Coucy, ii. 26.  
 Briggs, Henry, on Napier's discovery, vii. 97.  
 Brigham, the meeting of the Scots Estates at, ii. 48—the composition of the Estates at, 81—treaty of, renounced by John Balliol, 159—how represented by Edward I., 214.  
 Brissot, the murder of, v. 37.  
 Britain, first notices of Christianity in connection with, i. 42—changed character of the struggle in, 43—the Romanised inhabitants of the south, 46.—the troops furnished by, 44—its final abandonment, 47.  
 Britannia, first appearance of figure on coinage, i. 26.  
 Britannicus, surname of, first bestowed on Hadrian, i. 26.  
 British American colonies, proclamation by them against the Darien colonists, viii. 49.  
 British Linen Company's Bank, the, viii. 515.  
 British constitution, the peculiarities of its growth, iii. 386.  
 Britons, the, confined to Cornwall, Wales, &c., i. 181—displaced from the former, 182—their custom of painting themselves in war, 197—their kingdom of Strathclyde and its history, 279 *et seq.*  
 Brodie, the Laird of, one of the commissioners to Charles II., vii. 9.  
 Brodir, a Norse chief, i. 315.  
 Broilchan, a Magus, contest of St Columba with, i. 220, 221.  
 "Broken men" in the Highlands, what, iii. 63.  
 Bromley, Thomas, v. 107.  
 Bronze implements found in Scotland, i. 119 *et seq.*  
 Brooches, &c., Roman, i. 58—ancient, 122.  
 Brosse, the Sieur de la, iii. 226—aid brought from France by, 220.  
 Broughty Castle, siege and capture of, by the Scots, iii. 278.  
 Broun, John, of Wamphray, vii. 78.  
 Brown, Sir A., mission to the Borders, iii. 216.  
 Brown, John, of Priestfield, his execution, vii. 251 *et seq.*  
 Brown, the founder of the Brownists, and his sect, vi. 123.  
 Brownists, their increase, views, &c., vi. 387.  
 Bruce, Edward, siege of Stirling Castle by, ii. 261, 271—his invasion of Ireland, and death, 273, 274 *et seq.*  
 Bruce, Marjory, daughter of King Robert, ii. 273.  
 Bruce, Nigel, capture and execution of, ii. 245.  
 Bruce, Robert de, at the battle of the Standard, i. 437—alleged arrangement with Alexander II. as to his succession, ii. 13, and note—the race of, 13—his claim to the crown on the death of Alexander III., 43—one of the Scots commissioners at Salisbury, 47—his first proceedings on the death of the Maid of Norway, 116—summoned to the meeting of Barons at Norham, 117—accepts King Edward's superiority, 122—nature of his claim to the crown, 129—the alleged settlement by Alexander II., 130, and note—arbiters appointed between him and Balliol, 133—decision against him, 145 *et seq.*—his pleadings, 148 *et seq.*—lawsuit appealed to Edward I. by him, 160—his death, 167.  
 Bruce, Robert, his policy on the rising of Wallace, ii. 186 *et seq.*—surrenders to the English, 187—his flight from the English Court, 233—his parentage and previous life, 234 *et seq.*—competition with Comyn, 236—league with Lamberton, 237—his danger from this, and flight, 238—meeting with the Red Comyn, and death of the latter, 239 *et seq.*—his coronation, 240 *et seq.*—excommunicated, 243—defeated at Methven, 247—and by John of Lorn, 248—his personal prowess in the last battle, 251—defeats Percy, 249—victory at London Hill, 46.—his character and habits, 250 *et seq.*—various adventures, 252—escape from a bloodhound, 46.—joined by Lord James Douglas, 253—defeats the Earl of Buchan, 255—capture of various castles, &c., 256—truce with England, 257—adherence of the clergy to him, 46.—coerced homage by him, 258, note—disregard by the Scots of the truce, 261—battle of Bannockburn, 263 *et seq.*—his courtesy to the prisoners, 270—incursions into England, and efforts for peace, 272—adjustment of the succession, 273 *et seq.*—proceedings and negotiations with the Pope, 275 *et seq.*—capture of Berwick, 278—its defence against the English, 279—invasions and successes in England, 281—truce with England, 282—renewed negotiations with the Pope, and appeal to him, 46. *et seq.*—renewal of war, 288—invasion by Edward II., and its defeat, 289 *et seq.*—England again invaded, 290—secret negotiations with the northern English barons, 291 *et seq.*—final truce with England, 294—mission of Randolph to the Pope, and its success, 294 *et seq.*—treaty with France, 296—renewal of war with England, and successful invasion, 298 *et seq.*—peace concluded, and his title acknowledged, 303—treaty of Northampton, 46.—conspiracy against him,

- 307—birth of a son, *ib.*—his death, and veneration with which regarded, 308—the burghs first represented in Parliament under him, 90—endowment of Melrose Abbey by, *ib.* 430.
- Bruce, Earl of Carrick, *ib.* 234—his marriage, *ib.*, note—a member of the Scots Council, 230, and note.
- Bruce, Lord Edward, v. 353.
- Bruce, Dr, his work on the Roman wall, l. 20, 27, 28, note.
- Bruce, John, his edition of 'Borough's Notes of the Ripon Treaty,' &c., vi. 294 note, 295 note, 311 note.
- Bruce, Rev. Robert, dispute with James VI., v. 280—his conduct regarding the Gowrie Conspiracy, 239—discussions with the king on it, 340 *et seq.*—his writings, vii. 79.
- Bruce, Isabella, married to Eric of Norway, *ib.* 114, note.
- Bruce, Sir William, viii. 542.
- Brud, King, notices of, l. 219, 220—St Columba's mission to, 256, 260, 281.
- Brunenburgh, the battle of, l. 335.
- Brunstone, the Laird of, a leader in the plot against Beaton, *ib.* 258, 260.
- Brutus, the fabulous conqueror of Britain, *ib.* 212.
- Buccaneers, the parallel between them and the Darien colonists, viii. 46 *et seq.*
- Buccleuch, the Laird of, at the battle of Ancrum, *ib.* 236—curious interview between him and Wharton, 237—saves Morton during the attack on Stirling, v. 41.
- Buchan, the Earl of, one of the guardians on the death of Alexander III., his death, *ib.* 43.
- Buchan, the Earl of, a supporter of Edward I., *ib.* 236, note—defeated by Bruce, 255.
- Buchan, the Earl of, his victory at Beaugé, *ib.* 398.
- Buchan, the Earl of, in the secret employment of Henry VII., *ib.* 30, 31, note—his life spared, 37—a party to plot for seizure of James IV., 39.
- Buchan, the Countess of, coronation of Bruce by, *ib.* 241—revenge taken by Edward on her, 242.
- Buchan, General, sent to command the insurgent Highlanders in 1690, vii. 390—his defeat at Cromdale, 391.
- Buchanan, George, his History of Scotland, l. 17, note, *ib.* 101, note—account of Albany's expedition from, 104, note—his account of the siege of Werk, 107, note—his Epithalamium for Queen Mary, 292—characteristics of his History, 415—its political influence and importance, 416 *et seq.*—his account of Rizzio, iv. 111—his account of the proposed divorce of Darnley, 179—his picture of the house at Kirk-of-Field, 186, note—account of the state of Edinburgh after Darnley's murder, 197, note—his interpretation of the abduction of the queen, 217, note—his account of Bothwell's divorce, 222 and note—his 'Detection of the Doings of Queen Mary,' publication of the casket letters in, 253—arguments against his being the forger of the casket letters, and general character of his Detection, 273 *et seq.*—its exaggerations, &c., 275—his change of view with regard to the queen, 277—named as one of the censors of the press, 322—first "Moderator" of the Assembly, 326—present at the York Commission, 424—his account of Morton's mission to London, 100, 101, note—lampoon on Lethington ascribed to him, 130, and note—as tutor to James VI., 135—Melville's character of him, *ib.*—his treatment of the young king, 136—his character as a scholar, 137—his work on the Rights of the Scots Crown, 138 *et seq.*—his History, 139—the dedication of his tragedy of Baptistes, *ib.*, note—dislike of the king to his constitutional views, 140—his last days and death, and character of his works, 210 *et seq.*—his History, its completion and character, 211—his 'De Jure Regni' condemned after the Restoration, vii. 156.
- Buchanan of Arnprior, executed, viii. 497.
- Buckingham, the Duke of, allowed by the Covenanters to attend Charles II., vii. 14.
- Buddhism, attempt to connect the sculptured stones with, l. 146—and the Norse mythology, 231.
- Bull, Stephen, defeated by Sir Andrew Wood, *ib.* 60 *et seq.*
- Bulmer, Sir William, letter to Wolsey regarding the "erection" of James V., *ib.* 100.
- Burgess, Dr, in the Westminster Assembly, vi. 386.
- Burgesses, laws regulating wager of battle among, *ib.* 68—in the Parliament of 1640, vi. 283.
- Burgh or borough, origin of name, *ib.* 86.
- Burgh franchise, the early, *ib.* 92.
- Burgh-on-the-Sands, death of Edward I. at, *ib.* 246.
- Burghhead, attempts to identify the "Winged Camp" with, l. 62, note—ancient well at, *ib.*
- Burgher corporations, the ancient code of, *ib.* 65.
- Burgh-moor, encampment of infected on it during the plague, v. 9, note.
- Burghs, or so-called Danish towers, the, l. 91 *et seq.*
- Burghs, royal, *ib.* 84—those of regality and of barony, 85—earliest charters, &c., of, 88—their first representation

- in Parliament, 89—their aspect, architecture, &c., before the great war, 96—repeated burnings of, 97—represented in the treaty of Balliol with France, 165—their early representation in Parliament, iii. 386.
- Burgundy, the Duchess of, and Perkin Warbeck, iii. 45, 49, note.
- Burial, dues exacted by the Church on, iii. 323—directions of the Book of Common Order regarding, iv. 345 *et seq.*
- Burial cairns in Scotland, i. 104—urns, 105—their probable era, 108.
- Burleigh, Lord, efforts to detach Scotland from the treaty of France, iii. 298—plans of, for aiding the Scots Reformers, 359—communications with Kirkcaldy of Grange, 360—efforts to secure the co-operation of Knox, *ib.*—his difficulties, and communications between them, 361 *et seq.*—urges assistance being given to the Scots Reformers, 364—on the creation of Darnley King of the Scots, iv. 121—instructions to Throckmorton from, after the queen's abdication, 301—urges the danger to Queen Mary of intervention, 304—views as to the restoration of Queen Mary, 370 *et seq.*—his perplexities after Mary's flight to England, and paper on the subject, 385—his account of Lord Herries's negotiations on behalf of Queen Mary, 397—answer to Murray and the Scots Council, 404—on Mary's withholding all resignation of the crown of England, 410—a member of the commission on Queen Mary, 431—letter from him condemning Kirkcaldy's proceedings in Edinburgh, v. 46—motives of his policy towards the king's and queen's parties during the civil war, 72—orders the surrender of Kirkcaldy and Lethington to Morton, 125—instructions sent regarding Aubigné, 172.
- Burleigh, Lord, President of the Parliament of 1640, vi. 282—in the Parliament of 1641, 326.
- Burley, see Balfour.
- Burne, Nicol, his controversial works, vi. 8, and note.
- Burnet, Bishop, his account of Lord Nithsdale's mission, vi. 77—on the trial, &c., of Balmerinoch, 98—on the lukewarmness of the Scots lawyers for the king, 198—account of alleged agreement between the Parliamentarians and the Scots, 208—his account of Montrose's defection, 332—his account of the Whigamores' Raid, 413, note—his account of the battle of Dunbar, vii. 24, note—character of Robert Douglas by, 135, note—and of Sharp, 140—his account of Lauderdale's policy, 179—interview with Sharp, 200—a refugee with William of Orange, 269—revelation of supposed plot to, vii. 343—exempted from Jacobite indemnity, 347—during the debate on the Union Act, viii. 193, 194—his annals, 555.
- "Burning of Frendraught," the, vi. 209.
- Burning the dead, traces of, in Scotland, i. 105 *et seq.*—denounced by the Church, 108 *et seq.*—ceremonial attending it, 109, note.
- Burning Bush, the symbol of, adopted from the Huguenots, iv. 340.
- Burns, improvement of Scots songs by, vii. 92.
- Burntisland, riot headed by women at, 1615, vi. 153, note.
- Burt, Captain, engineer officer under Wade, viii. 370, 371.
- Bushell, Captain, the case of, viii. 355 *et seq.*—condemned but pardoned, 356.
- Butchers, old regulations regarding, ii. 106.
- Byng, Sir George, force under, for intercepting the French descent in 1707, viii. 203—defeats it, 204.
- Byrthensack, ancient law of, ii. 69.
- Byasets, the feud of, with the Lord of Athole, ii. 16—their head appeals to the English king, 17.
- Cadogan, General, joins Argyle in 1715, viii. 324.
- Cadomo, Johannes da, notary public at the meeting at Norham, ii. 118 and note, 121, note.
- Caerlaverock Castle, the ruins of, ii. 99—its siege and capture by Edward I., 214 *et seq.*—death of James V. at, iii. 183—surrendered to Hertford, 243.
- Cesar, his invasion of England, i. 2—notice by him of the Britons painting themselves for war, 197—his references to the Druids and Druidism, 211—his account of the ships of the Veneti, 308, note.
- Cairnbeth, the supposed site of Macbeth's death, i. 347, note.
- Cairns, burial, in Scotland, i. 104—chambered, 101—attempts to classify them, 110, 126, note.
- Caithness, prehistoric remains in, i. 113—Norse settlements in, 319—bishopric of, founded by David I., 442—reception of King Hacon in, ii. 32—the Bishop of, appointed by Edward I. Lord Chancellor, 135—the Bishop of, under James VI., his difficulties, v. 455 *et seq.*—the Earl of, a member of the Romanist party, iv. 11—one of the councillors who direct Bothwell's trial, 208—chancellor of the jury at it, 210—his arbitrary proceedings toward the bishop, v. 415.
- Cakemuir, flight of Mary from Borthwick to, iv. 235.

Calais, efforts of Elizabeth for restoration of, iii. 297.  
 Calamy, on the Church Security Act, vii. 191.  
 Calder, James, slaughter of the Regent Lennox by, v. 40.  
 Calderwood, David, vii. 78—on the Kirk in 1595, v. 297—on the Gowrie Conspiracy, 333, note—notice of the Hampton Court conference from, 425—on the position of the bishops, 461—on the execution of Ogilvie the Jesuit, vi. 13—discussion with James VI., 47—his account of the passing of the Five Articles of Perth, 53.  
 "Caledonians" of Tacitus, the, i. 5—name first used by him, 17—their struggle with Agricola, 5—the battle of the Mons Grampius, *ib.*—their outbreak under Commodus, 36—account of them by Dion Cassius, 39—Tacitus on them, 183 *et seq.*  
 Calendarium Genealogicum, notice of Wallace in the, ii. 225, note.  
 Callander, the so-called Roman camp at, i. 70, note.  
 Callernish, the great stone circle at, i. 131 *et seq. passim*, 137.  
 Calvin, letter from Knox to him on the toleration of the queen, iv. 31—circumstances attending his organisation of the Church at Geneva, 333—his attempt to establish a theocratic rule there, v. 142.  
 Calvin or Colville, Robert, the case of the postnati originated with, v. 412.  
 Cambria or Cumbria, early application of the name, i. 337.  
 Cambuskenneth, the Abbot of, one of James VI.'s tutors, v. 135, 163.  
 "Cambuslang Wark," the, viii. 413 *et seq.*  
 Camden, dimensions of the Roman wall in his time, i. 25—character of Kerr of Ferniehurst by, v. 231.  
 Camelon, the Roman town of, i. 53, note, 63.  
 Cameron of Lochiel joins Glencairn for Charles II., vii. 68.  
 Cameron, Richard, issuing of the Sanguhar Declaration by, vii. 235—his death, 237—party called after him, *ib.*  
 Cameron of Lochiel, counsels of, to Claverhouse as to disciplining the Highlanders, vii. 360—his memoirs, 361, note—joins Claverhouse, 362—at Killiecrankie, 379, 380—joins the Pretender in 1745, viii. 437—enters Edinburgh, 450.  
 Camerons and Grants, feud between the, vii. 362.  
 Cameronian Regiment, raising of it authorised by the Convention, vii. 297.  
 Cameronians, their defeat at Airds Moss, vii. 237—their Apologetical Declaration, 248—measures of the Council against them, 250—the abjuration

oath, *ib.*—continued severities against them under James II., 264—their views on the Indulgences, 272 *et seq.*—the literature of the persecutions, 274, note—removal to the plantations, and the prisoners at Dunnottar, 277—their position at the Revolution, 310—their views and principles, 311—animosity against the Indulgence and those who accepted it, 312—influence of their clergy, 313—their relations to the Presbyterian Church, *ib.*—their want of clergymen, 315—attempt to obtain these from abroad, 316—want of temporal leaders, *ib.*—their organisation, 317—resolutions as to co-operation with the Dutch, 317—opposition to William, 318—conduct toward the Episcopalian clergy, 319—military preparations, 320—arms distributed among them, 321—their military organisation, *ib.*—effect of the alarm as to invasion from Ireland, &c., *ib. et seq.*—discussions as to proposed embodiment of regiment, and conditions finally arranged, 322 *et seq.*—its character and after history, 325, 326—their discontent with the Government as uncovenanted, 326—question as to whether they could address the Parliament, 327—accession of their clergy to the Established Church, 327, 328—their after history, 328—investment of Edinburgh Castle by them, 357—in arms after Killiecrankie, 385—headed by Colonel Cleland, 386—the defence of Dunkeld, 387 *et seq.*—unrepresented in the Convention Parliament, 420—their views as to the settlement of the Church, 424 and note—their dissatisfaction at the non-adoption of the Covenant, 431—their position in the Church as finally established, 433—terms of the admission of their leaders into the Establishment, 434, note—their dissatisfaction with the Assembly of 1690, 439—their dissatisfaction with the Act admitting conforming clergy to the Church, 457—their declaration against the Union, viii. 138, 157—outbreak at Glasgow, 159—their organisation, and danger from them, 160—supposed outbreak at Dumfries, 161—attempt at union between them and the Highlanders, 162—Jacobite expectations from them in 1708, 201—and the oaths, 236—the Auchenchauch Declaration, 237—their reasons for remaining in the Kirk, 238—their secession from it, 240—their subsequent subdivisions, 241—present state of their church, *ib.*—works relating to their history, 242, note—their loyalty in 1715, 267—their secession from the Kirk, 379—their testimony against the Seceders, 410—



- on the "Cambuslang Wark," 414 — their loyalty in 1745, 470.
- Campbell of Calder, vi. 37.
- Campbell of Cessnock, trial and acquittal of, vii. 247.
- Campbell, Robert, at the coronation of James VI., iv. 285.
- Campbell, Lady Agnes, vi. 26, note.
- Campbell, Captain Colin, his account of the reception of the fugitives from Darien in Jamaica, viii. 52, note.
- Campbell, Sir Colin, becomes surety for the M'Donalds, vii. 412, note.
- Campbell, Colonel, in 1745, viii. 480.
- Campbell, David, of Shawfield, attack on, by a mob, viii. 354.
- Campbell, J. F., 'Popular Tales of the West Highlands' by, i. 176.
- Campbell, the Provost of Edinburgh, measures for its defence in 1715, viii. 287.
- Campbell of Ardentinnia, one of the Union Commissioners, viii. 117.
- Campbell of Finab, appointed to command expedition to Darien, viii. 54 — defeat of the Spaniards, 57.
- Campbell of Glenderule, heads the Broad-albane men in 1715, viii. 258.
- Campbell of Glenlyon, the agent in the massacre of Glencoe, vii. 403 *et seq.*
- Campbell's 'Grampians Desolate,' i. 18, note.
- Campbells, their increasing power, and branches, vi. 37 — their hatred to the Macdonalds of Glencoe, vii. 403.
- Camps, Roman, in Scotland, i. 70 *et seq.* — their special features, 72 *et seq.*
- Candida Casa, the, i. 43.
- Canisius, the Larger and Shorter Catechisms of, vi. 7.
- Cannon, Colonel, Irish auxiliaries under, at Killiecrankie, vii. 380 — takes command after Claverhouse's death, 385 — force under him, and his movements, *ib.* — movements against the Cameronians at Dunkeld, 387 — his repulse there, 389 — defeat at the Haughs of Cromdale, 392.
- Canon - Frome, the siege of, during the Great Rebellion, ii. 280, note.
- Canons, the Book of, abolished by Assembly of 1638, vi. 230 — and again by that of 1639, 272 — and Ecclesiastical Constitutions, the, 104 — Laud the true author of them, 105 — their character, *ib.* — imposed by the sole authority of the king, 111 — course intended by the Scots bishops, 112.
- Cant, Andrew, one of the commissioners to Aberdeen, vi. 233.
- Canterbury, the Archbishop of, claims supremacy over Scotland, i. 421 — his policy regarding the bishopric of St Andrews, 422 *et seq.* — struggles between, and York for ecclesiastical supremacy, ii. 4 — Papal bull on half of Scotland sent to, 220 — difficulties of his journey to the king, *ib.* *et seq.* — reversal by him of sentence of excommunication on Huntly, vi. 13.
- Cantyre, tribute exacted by King Haec from, ii. 33.
- Canute, his alleged superiority over Scotland, i. 342.
- Capitals, local, &c., the early, ii. 52.
- Capitolinus, Julius, the History of, i. 33 and note.
- Cappock, Thomas, an adherent of the Pretender, viii. 464.
- Caractacus, question as to the received history of, i. 12.
- Carausius, usurpation of the empire by, and his overthrow, i. 41 — Arthur's Oon ascribed to him, 53 — coin of, 58.
- Carber Riadha, founder of the kingdom of Dalriada, i. 286.
- Carberry Hill, the position of the queen and Bothwell at, iv. 240.
- Cardross, Lord, at the attack on Dunkeld, vii. 388.
- Carey, George, named as husband for Queen Mary, v. 244.
- Carey, Sir John, his report regarding the second Bothwell, v. 285 — saves the two young Ruthvens at Berwick, 344.
- Carey, Sir Robert, conveys to James VI. the intelligence of his accession, v. 358 — his account of Charles I. in childhood, 389.
- Cargill, Donald, vii. 234 — pronounces sentence of excommunication on the king, 236 — his capture and execution, 238.
- Carham, victory of the Scots at, i. 340.
- Carlisle, siege of, by the Scots, ii. 197, note — removal of Queen Mary to, iv. 380 — necessity of her removal from it, 392 — trials of rebels after 1715 at, viii. 336 — captured by the Pretender, 463 — alleged subsidy from it, 464 — recapture of, 476 — trials and executions at, 496.
- Carlisle, the Bishop of, in 1715, viii. 302.
- Carlos, Don, project of marrying Queen Mary to, iv. 93 *et seq.* — the scheme broken through, 94.
- Carlyle, Dr, his account of the execution of Wilson, viii. 361, note.
- Carmichael, Lord, commissioner in the Assembly, vii. 437, 456.
- Carmichael, Peter, one of the conspirators against Beaton, escapes from France, iii. 267.
- Carmichael, William, his murder intended instead of Sharp's, vii. 207 *et seq.*
- Carmichael, Scots warden of the Border, at the Raid of the Redeswire, v. 152.
- Carnegie, Sir D., one of the Octavians, v. 299.
- Carnwath, the Earl of, in 1715, viii. 299 — rising of, 291, 295 — his trial and condemnation, 334 — not executed, 336.



- Carolina, projected emigration scheme to, vii. 245.  
 Carpenter, General, movements against the southern Jacobites in 1715, viii. 298, 301—arrival at Preston, and the capitulation there, 310.  
 Carpenter, Nathaniel, viii. 23.  
 Cairrawburgh, the Roman Procolitia, i. 20, nota.  
 Carrick, the Earl of, his widow the ancestor of Bruce, ii. 37, nota.  
 Carrick, the Countess of, marriage of Bruce's father to, ii. 254, nota.  
 Carsewell, John, his translation of the Book of Common Order into Gaelic, iv. 349.  
 Carstairs, Principal, tortured, vii. 538—his character, and influence with William III., 306 *et seq.*—his father, 308, nota—his intervention in favour of Lord Ross, 347—his alarm as to collision with the clergy, 455—his conduct on this occasion, 456—influence of his counsels with the Assembly during the Union agitation, viii. 147—heads deputation to the Court in 1711, 223—favours toleration to the Episcopaliana, 224—attempt by him to modify the form of the oath for the clergy, 228.  
 Carteret, his hostile position toward Scotland, viii. 365.  
 Carved woodwork, early, in Scotland, iii. 436.  
 Carvet, Sir John, a Romish priest, treatment of, iv. 117.  
 Casket letters, the, their discovery, iv. 252—their history, 253—their publication by Buchanan, *ib.*—summary of their contents, 254 *et seq.*—the sonnets, 261—the assertion that they were tampered with, 263—the theory of their being forged, and arguments against it, 264—their authenticity not impugned at the meeting of the Estates, *ib.* and nota—their affluence in minute details as evidence of their authenticity, 205 *et seq.*—their exact coincidence, with Craufurd's testimony, 266 *et seq.*—their general probability, 272—if forged, who was the forger? *ib.*—improbability of Buchanan's being so, 273—they are treated by the party in power as genuine, 277—the first reference to them in the negotiations with England, 404—reference to them in Mary's instructions to her commissioners, 416—letter of the English commissioners to Elizabeth on them, 428—their formal production before the commission, 444—their examination by the Council, and the report on this, 445—negotiations in 1582 regarding them, v. 108.  
 Cassilis, the Earl of, one of the "assured lords," iii. 190—joins the national party, 226, 227—a leader in the plot against Beaton, 359—his death in France, 291.  
 Cassilis, the Earl of, fraudulent and violent acquisitions of Church property by, iv. 38 *et seq.*—joins Queen Mary after her escape, 367, 377 nota—indemnity to, v. 117.  
 Cassilis, the Earl of, commissioner to Westminster Assembly, vi. 381—one of the commissioners from the Covenanters to Charles II., vii. 9.  
 Castelnau, conversation of Queen Mary with, regarding her suitors, iv. 96—sent to propose her marriage to the Duke of Anjou, 97—sent as ambassador to Queen Mary, and his character, 127—interview with Mary, *ib.*—statement from his Memoirs regarding supposed daughter of Queen Mary's by Bothwell, iv. 363, nota.  
 Castilians, the party of Grange and Lethington so called, v. 115.  
 Castleary, the Roman fort at, i. 34, 35.  
 Castlehill fort, i. 34, nota.  
 Castle Ruthven, seizure of James VI. at, v. 186.  
 Castle Swein, the ruins of, ii. 100, nota.  
 Castles, baronial, &c., in Scotland, iii. 433.  
 Catechisms, the Larger and Shorter, the Westminster Assembly's, vi. 401.  
 Caterans, laws against, ii. 390.  
 Caterthun, the hill-fort of, i. 84.  
 Cathedral cities, origin of, ii. 86.  
 Catherine of Medici, dubious policy of, in France, iv. 68—her antagonism to the Guises, 92—opposes the marriage of Queen Mary to Don Carlos, *ib.*—project for interview with Philip II., 93—her duplicity, 94—continued opposition to the Spanish marriage, 97—withholds aid from Mary, 127—her conference with Alva, and formation of the league, 132—her enmity to Queen Mary, 293, 378—her death, v. 268.  
 Catherine of Spain, her marriage to Prince Arthur, iii. 54—and afterwards to Henry VIII., *ib.*  
 Catholic league, formation of the, iv. 133—danger to England from it, v. 226.  
 "Catrail," the, an ancient wall in Scotland, i. 99.  
 'Causes of the Lord's Wrath,' the, vii. 34 *et seq.*  
 Cavaliers of the north, the, commence actual hostilities, vi. 246—march southward, but disperse, 247—march of Montrose against them, *ib.*  
 Caves, artificial, at Hawthornden, &c., i. 101.  
 Caw Mills, or Edrington Castle, negotiations regarding, iii. 155.  
 Cecil, see Burleigh.  
 Cecil, the younger, correspondence with James VI. regarding the succession,

v. 355 *et seq.*—his reception of James VI. at Theobalds, 369 *et seq.*  
 Cecilla, the Princess of England, betrothed to James IV., iii. 18.  
 Celestine, Pope, Palladius sent as bishop to the Scots by, i. 238.  
 Celibacy not adhered to among the Culdees, i. 308.  
 Celtic civilisation in Ireland, the early, and its characteristics, i. 294—the early literature, 295—races, Druidism, as their supposed religion, 210—and Teutonic races, division between, in Scotland, ii. 389—races of Ireland, their treatment and character, vi. 341 *et seq.*—usages, gradual disappearance of, as regards government, ii. 57.  
 Celts, characteristics of their migrations and settlements, i. 205—long reticence of Norse superstitions among them, 233—their long resistance to the feudal system, 361—their ready subservience to the Normans, ii. 16—their enmity to the Lowlanders, 248.  
 Celts or hatchets, stone, i. 116, 119.  
 Censorship of the press, attempts of the Reformed Church to establish, iv. 321.  
 Ceolfrid, Abbot, on the tonsure, i. 273—his letter to King Naitan, 274.  
 Cerbell, the treaty of, ii. 297.  
 Ceremonies, the Millenary petition against, v. 423.  
 Chalmer, James, during interview with the queen-regent, iii. 347.  
 Chalmers, Celtic names of rivers from, i. 188, note—Celtic origin given to names of Pictish kings, 192, note—on the supposed armorial bearings of William the Lion, 445, note.  
 Chambered cairns in Scotland, i. 101 *et seq.*—apparent connection of the "Druidical" stones with them, 137.  
 Chamberlain, the Lord, his duties with regard to the corporations, ii. 87.  
 Chambers, David, an emissary of Queen Mary's, iv. 112—joins the queen after her marriage, 125—denounced in the placards as one of Darnley's murderers, 196—rewards conferred by Parliament on him, 212.  
 Champlain, his discoveries in America, vi. 65.  
 Chancellorship, the, latterly monopolised by Churchmen, iii. 313.  
 "Chapter of Mitton," the, ii. 281.  
 Charlemagne, influence of his wars as regards the Norse migrations, i. 303—capitulary of, against burning the dead, 108, and note—laws attributed to, ii. 58.  
 Charles I., his birth, v. 353—extracts from his early letters, &c., 385—his early life, 388 *et seq.*—created Duke of York, 390—his accession and tone of his reign, vi. 73 *et seq.*—his marriage, 74—measures for resumption of Church revenues, 75 *et seq.*—terms of his "Re-

vocation," *ib.*—efforts to carry it out, 76—measures against recusants, 80 *et seq.*—the final arrangements, 82—his probable ultimate designs, 83—his subsequent vindication, 84—at the Parliament of 1633, 87 *et seq.*—the "Supplication," and his reception of it, 88 *et seq.*—visit to Scotland, 90—his coronation, 91—measures regarding clerical dress, 92—return to London, 93—the Supplication refused, and trial of Balmerinoch, 95 *et seq.*—formation of diocese of Edinburgh, 98—Archbishop Spottiswood appointed Chancellor, 99—the Canons, 104—they imposed by his sole authority, 110—gathering elements of hostility, 113—Land's Liturgy and the attempt to introduce it, 125—the proclamation enforcing it, 144—continued attempts to enforce the Service-book, 158 *et seq.*—proclamations against the Supplicants, &c., 164 *et seq.*—instructions to the Council regarding the Supplication, &c., 168—proclamation, 175—fresh proclamation, and its reception, 178 *et seq.*—the Covenant, 183 *et seq.*—refuses to receive the Supplication, 188—Hamilton sent as commissioner, 189—terms proposed by the latter, 193—spies of the Covenanters on him, 195—his proclamation, 196—compromise proposed, 200—policy revealed in his secret instructions to Hamilton, *ib.* *et seq.*—entire surrender of the points in dispute, 202—appointment of Huntly his lieutenant, 215—withdrawal of his commissioner from the Assembly, 229—first actual conflict in the war, 246—preparations against the Covenanters, 255—want of resources, 256—assembling of forces, &c., 257—proclamation, which the authorities refuse to receive, 259—proclamation on the march to the Border, 263—his advance to the Border, 265—his position, *ib.*—attempts at mediation, *ib.* *et seq.*—his attendance at the conferences of the commissioners, 267—the pacification of Berwick, 268 *et seq.*—alleged attempt to kidnap the Covenanting leaders, 269—his duplicity in the pacification, 270, *et seq.*—documents proving his duplicity toward the Covenanters, 273—his Short and Large Declarations, and the Assembly's answer, 275 *et seq.*—struggle with the Parliament of 1640, 280 *et seq.*—his position with regard to it, 284 *et seq.*—his Large Declaration denounced by Parliament, 287—discovers the negotiations of the Covenanters with France, 288—release of Loudon, 293—the "Short Parliament," 294—hostilities renewed, 301—agrees to treat, 309—the treaty of Ripon, 310 *et seq.*—continuation of his Declaration, 310—proposes transferring the confer-

- ence to York, 315—it removed to London, 316—the impeachment of Strafford, 318—conclusion of the treaty, 320 *et seq.*—his visit to Scotland, 325—meeting of Parliament, *ib.* *et seq.*—his speech, 326—curtailing of the prerogative by the Parliament, 329—secret correspondence of Montrose with him, 331—the “Incident,” 334 *et seq.*—the rebellion in Ireland, 340—his intended employment of Irish against the Scots, 343—his supposed commission to Sir Phelim O’Neil, 344—commencement of hostilities with the English Parliament, 352—hostilities resumed by the Scots, 356—battle of Marston Moor, 361—surrenders to the Scots, 404—removed to Newcastle, and his discussion with Henderson, *ib.* *et seq.*—his residence in the Scots camp, and dismissal of Montrose, 407—motives of the Scots in retaining him, 408—circumstances of their surrender of him, *ib.* *et seq.*—his seizure by Joyce on behalf of the army, 409—the “Engagement” at Newport, *ib.*—rising of the Engagers on his behalf, and their defeat, 410 *et seq.*—his execution, 417—views in Scotland on it, *ib.* *et seq.*
- Charles II. proclaimed at Edinburgh, vi. 419—urges on Montrose the invasion of Scotland, vii. 4—commissioners from the Covenanters to him, and treaty, 9 *et seq.*—he accepts the Covenant, 13—landing in Scotland, 14—dealings of the Covenanting leaders with him, 17 *et seq.*—signs their declaration, 18—day of fasting, 19—removed to Dunfermline, 20—his evasion from the Covenanters, and recapture, 31—coronation at Scone, 32—again signs the Covenant, 33—his flight from Worcester, 41—Glencairn’s expedition in his favour, 68—his arrival in London, and reception, 119—rejoicings in Scotland, *ib.*, note—supplication of the Covenanters to him, 123—causes of his hatred to them, 127—deputation from the Scots clergy, 128—the Earl of Middleton appointed High Commissioner, 143—the Act Rescissory, *ib.*—restoration of Episcopacy, 145 *et seq.*—creation of Privy Council, 148—execution of Argyle, Warriston, &c., 149 *et seq.*—the Act of Indemnity, 149 *et seq.*, 157 *et seq.*—measures against the Covenanters, 158 *et seq.*—the Court of High Commission, 161 *et seq.*—the struggle between Middleton and Lauderdale, and fall of the former, 162 *et seq.*—his treatment of the Billeting Act, 166—the rising in the west, and its suppression, 170 *et seq.*—the Indulgence, 177—measures of repression, 187 *et seq.*—encroachments on the municipalities, 193—the murder of Sharp, 206 *et seq.*—the insurrection at Loudon Hill, 222 *et seq.*—declaration of the Covenanters against him, 235—excommunicated by them, 236—increased severities in Scotland, 238—the Succession and Test Acts, 241—the Ryehouse and Assassination plots, 245—his death, 257.
- Charles the Bold and Louis XI., the meeting between, iii. 179.
- Charles II. of Spain, intrigues regarding the succession to, viii. 49.
- Charles V. of France, embassy from, to Scotland, ii. 350.
- Charles IX., suggested marriage of, to Queen Mary, iv. 98—at the conferences between his mother and Alva, 135—appeal from Queen Mary to him for aid, 387.
- Charles XII. of Sweden, threatened invasion by, 1716, viii. 339.
- Charles, the Archduke, proposed as husband to Queen Mary, iv. 95, 96.
- Charles Edward, the first rumours regarding his landing, viii. 431—his views, &c., 432—sails for Scotland, 433—landing, 434—his first reception, 435—on the mainland, 436—joined by Clanranald, Lochiel, &c., 437—the gathering in Glenfinnan, 438—the march to the Lowlands, 441 *et seq.*—enters Perth, 442—contrast to his father, *ib.* *et seq.*—capture of Edinburgh, 449 *et seq.*—at Holyrood, 451—march to Prestonpans, 452—the battle, 453 *et seq.*—return to Edinburgh and life there, 458—accessions of force, 459—attempted investment of the castle, 460, 461—the march to England, 461—his force, 462—captures Carlisle, 463—the march toward London, 465 *et seq.*—reception at Preston, 466—and Manchester, *ib.*—arrival at Derby, 467—the retreat, 475—recapture of Carlisle, 477—contributions levied on Dumfries and Glasgow, 478 *et seq.*—battle of Falkirk, 481—continued retreat, 483—operations at Inverness, &c., 484 *et seq.*—movement toward Culloden, 487—the battle, 489 *et seq.*—his flight, 492—his after adventures and escape, 498 *et seq.*
- Charterhouse Monastery, Perth, destroyed by the Reformers, iii. 352.
- Charters of the Forest, the, i. 434—specialities of early, as indicating the germ of Parliament, ii. 82.
- Chartley, Queen Mary’s removal to, and the trap laid for her there, v. 250 *et seq.*
- Charles, M., on the poems ascribed to Queen Mary, iv. 262, note.
- Chastellar accompanies Queen Mary to Scotland, iv. 18—Brantôme’s account of him, 86—his attempts on Queen Mary, 87—his execution, 88.
- Chatelherault, dukedom of, conferred on Arran, iii. 283.

- Châtelherault, the Duke of, alleged conspiracy for seizure of the queen, iv. 121—at first joins the confederates, but afterwards withdraws, 125—one of the Council of Regency on Mary's abdication, 279—his position as regards the succession, v. 3—his return to Scotland as head of the queen's party, *ib.*—placed under restraint by Murray, 6—in Edinburgh Castle, 28—his death, and reversion of his dukedom to France, 165. See also Arran.
- Chatsworth, Queen Mary's imprisonment at, v. 248.
- Chattan, the clan, desertion of Huntly by, iv. 50.
- Chepman, Walter, the first Scots printer, *ib.* 424.
- Chesein, secret emissary of Queen Mary, iv. 96, 112.
- Chevy Chase, the ballad of, *ib.* 363.
- Chiealy of Dalry, murder of Sir George Lockhart by, vii. 340.
- Chinese seals, number of, in Ireland, i. 49, *nota*.
- Chisholme, William, sent to France on Queen Mary's marriage to Bothwell, and her instructions to him regarding it, iv. 329.
- Chollerford, the Tyne crossed by the Roman wall at, i. 25.
- Christian, King of Denmark, claim of tribute for the Western Isles by, *ib.* 8—marriage of his daughter to James III., *ib.*—Orkney and Shetland pledged for her dowry, 9.
- Christian Knowledge Propagation Society, the Scots, viii. 429.
- Christianity, first notices of, in connection with Britain, i. 42—absence of relics among Roman remains in Scotland, 68—its state among the Romanised Britons, 179—the struggle between it and paganism, 217—early, in Scotland, 234—that under the Romans, *ib.*—its extinction, 235—the Scoto-Irish Church, 239 *et seq.*—St Columba, 246 *et seq.*—early constitution, &c., of the Church, 250 *et seq.*—the successors, &c., of St Columba, 258—character of that of the Norsemen, 315—scanty notices regarding it subsequent to Adamnan, 389—its continued existence, 390.
- "Christie's Will," the seizure of Gibson of Durie by, vi. 18.
- Christie, Henry, his collection of stone weapons, i. 119.
- Christmas, opposition to its observance in Scotland, vi. 54.
- 'Christ's Kirk on the Green,' the supposed authorship of, *ib.* 184.
- Chroniclers, the, their untrustworthiness as regards the disputed succession, *ib.* 115—want of, in Scotland, *ib.* 411.
- Church, the, among the Romanised Britons, i. 179 *et seq.*—its early state in Ireland, 202—the early, its incomplete organisation, 245, *note*—its constitution, government, &c., under St Columba and his successors, 250 *et seq.*—dark period subsequent to St Adamnan, 389—its position subsequent to this, 391—traditional lists of bishops, spurious laws, &c., *ib.* *et seq.*—notices, &c., during the dark period, *ib.*—inquests by jury, 392—the Culdees, investigation as to their position, organisation, &c., 393 *et seq.*—its relations at this time to the Church of Rome, 396—first notice of bishops, *ib.*—terms of the treaty of Falaise regarding it, *ib.* 3—settlement of various difficulties regarding it under Alexander III., 37 *et seq.*—its independence asserted and secured, 39 *et seq.*—its position and influence at the time of the great war, 207 *et seq.*—its views as regards marriage, 346 *et seq.*, *ib.* 314 *et seq.*—early books of devotion, 328—Acts regarding it in the reign of James IV., 40—review of its state at the time of the Reformation, 307 *et seq.*—views of the nobility as regards its possessions, 311—its powers, 313—its practical control over succession, 316—power given to it by excommunication, 317—the levying of tithes, 323—other dues exacted, *ib.*—effect of these things with regard to the Reformation, 324—its internal state, 325.
- Church, the Reformed, its organisation, iv. 319—its position from 1560 to 1567, *ib.*—the Act of 1560 never received the queen's assent, 320—position of authority gradually taken up by it, *ib.*—acts of discipline, *ib.*—attempt at censorship of the press, 321—discipline enforced over the nobility, 322—attempts to secure the revenues of the old Church for ecclesiastical purposes, *ib.* *et seq.*—the system of lay eldership in it, its causes and effects, 323—resolutions at Assembly of 1567 regarding endowment of the clergy, 324—appropriation by Parliament of the "thirds," 325—difficulties of the clergy in securing their rights, *ib.*—their distressed condition, 326—gradual completion of its organisation, *ib.*—the superintendents and their functions, 327—jealousy of the dignitaries of the old Church, 328—form of worship, *ib.*—use of the English Common Prayer, 330—the Geneva Liturgy, 331 *et seq.*—readers and ministers, 344—measures for religious instruction of the Highlanders, 348 *et seq.*—vocal music, 350 *et seq.*—the churches, 353—its structure unchanged to 1572, v. 74—retention of titular bishops, abbots, &c., *ib.* *et seq.*—Knox not opposed to this, 75—Morton's difficulties with it, 141—the system of lay

eldership, 142—attempts to force it on Morton, 143 *et seq.*—denunciations of prevalent immorality, 144 *et seq.*—sumptuary laws, *ib.*—these adopted from the English Puritans, 145—rejection by the State of the Book of Discipline, 146—first demonstrations against Prelacy, *ib.*—the bishops arraigned before the Assembly, 147—discussions as to their lawfulness, 148—effect of the St Bartholomew Massacre, *ib.*—scheme of Morton regarding its secular endowment, 150—declaration against Episcopacy, 202—Second Book of Discipline, *ib.*—it rejected by Parliament, 204—it now Presbyterian, *ib.*—commencement of war against Episcopacy, 205—the Second Confession or First Covenant, 206—enforcement of discipline, 208—proceedings against the bishops, 209—formal abolition of Episcopacy, 277 *et seq.*—Act for enforcing discipline, 299—its triumphant position in 1595, 297—account of a revival, 300—clerical spies placed over the Popish lords, 302—discipline, 303—influence of the Hampton Court conference on it, 422 *et seq.*—the High party and their position, 431—their manifesto, 432 *et seq.*—the question as to General Assemblies and the power of the Crown, 433—Assembly called by the High party at Aberdeen, *ib.*—this denounced by the Crown, *ib.*—trial of the leaders, 435—restoration of Episcopacy, 441 *et seq.*—difficulties about revenues, &c., 444—the Five Articles of Perth, vi. 47 *et seq.*—measures of Charles I. for resumption of revenues, 75 *et seq.*—Land's Canons, their reception, &c., 104 *et seq.*—the Liturgies in use before Laud's, 114 *et seq.*—Laud's, 125 *et seq.*—Cromwell's measures for its reconstruction, vii. 64—relations of the Cameronians to it, 313—settlement of the, postponed by the Estates, 335—settlement of the, after the Revolution, 419—difficulties attending it, *ib.*—Episcopacy in the north, *ib.*—divided state of the Presbyterians, 420—proceedings of the Convention regarding the bishops, 421—removals of Episcopal clergy, 422—views of the king, 424—Act abolishing Episcopacy, 425—proposed General Assembly, 426—restoration of evicted clergy, 428—the Standards, 429—dissatisfaction of the Cameronians, 431—artificial character of the final adjustment, 433—subsequent policy of the Government toward it, 435—General Assembly of 1690, 437—reconstructive arrangements, 441—the Patronage question, 442 *et seq.*—provision for purchase of patronages, 444—reasons for discouraging popular election of clergymen, 446—University

Test Act, 447—measures of the Crown to preserve control of it, 448—increasing irritation against the measures of the Crown, 452—close of the struggle between it and the king, 458—its relative strength after the settlement in the south and the north, 460 *et seq.*—its state before the settlement as to Liturgy, Church courts, &c., 463 *et seq.*—absence of ability in it after the Revolution settlement, 465 *et seq.*—unrepresented in the Union Commission, viii. 117—its increasing strength, 217—deputation to London in 1711, 223—oath required to be taken by its clergy, 225—measures against this, 227—and against the Patronage Act, 229—parties in at this time, 232—the Nonjurors or "Nons," 234—secession of the Cameronians, 240—sympathisers in it with the Cameronians, 379—superstitions prevalent in it, 380—its increasingly pacific character, 384—deputation for redress of grievances, 385—the *ius devolutum*, 386—efforts for restoration of discipline, 388—decrease of the Covenanting party, 396—increasing moderation in the Assembly, 397—the provincial courts, 398—the Simson heresy, 399—the "Marrow Controversy," 400 *et seq.*—the Secession, 402 *et seq.*—that of the Relief Church, 412—that of the Glassites, 417.  
Church of England Security Act, the, viii. 191.  
Church courts, their process against heresy, and cause of the ignorance regarding it, iii. 301 *et seq.*  
Church lands, their early cultivation, &c., i. 401—rating of them in the time of Alexander III., ii. 37.  
Church property, seizure, &c., of, by the nobility, iv. 37 *et seq.*—arrangements made regarding it, 39 *et seq.*—its appropriation by the nobility, and the attempts of the Reformed clergy to obtain its redeversion to ecclesiastical purposes, 322 *et seq.*  
Churchmen, seigniorial rights conferred on, ii. 55.  
Cinerary urns, early notices of, i. 105, note.  
Circuit courts of Scotland, their origin, i. 362.  
Cists or stone coffins, see Kists.  
Citles, cathedral, ii. 86.  
Civil law, the, rejected in England and accepted in Scotland, iii. 396.  
Civil power, the Second Book of Discipline on it, v. 203.  
Civitas, or city of the Romans, the, unknown in Britain, ii. 86.  
Clackmannan Castle, style of, iii. 434.  
"Claim of Right," the, of the Scots Estates, vii. 290 *et seq.*

- Clan Quele, &c., the combat of the, at Perth, ii. 370.
- Clanranald, the chief of, killed at Sheriffmuir, viii. 320—at first opposes the Pretender's project, 436—joins him, 437.
- Clanranald Highlanders, the, at Killiecrankie, vii. 380.
- Clarendon on the reception at Court of the news of the first religious disturbances, vi. 158—on the release of Loudon, 293, note—on the Short Parliament, 294—his account of the Scots preachers in London, 317—and of the "Incident," 337—on the alleged commission to O'Neill, 344, 345, note.
- Class contests, absence of, in Scotland, iii. 399.
- Classic art, absence of indications of, in the sculptured stones, i. 156.
- Classical mythology, attempt to refer that of the Norsemen to, i. 230.
- Claudian, notices of the Britons from, i. 198, note—and of the Scots, 204.
- Claudius, the annexation of England begun under, i. 2.
- Claverhouse, see Graham.
- "Cleanse the Causeway," street combat called, iii. 95.
- Cledran, vitrified fort at, i. 88, note.
- Cleland, Wm., present at Drumclog, vii. 512—Lieut.-Colonel of the Cameronian regiment, 325—heads the Cameronians, 386—the defence of Dunkeld, 387 *et seq.*—his death there, 389.
- Clement, Dr, his work on the ships of the Norsemen, i. 307, note.
- Clergy, the, give in their adherence to Bruce, ii. 257—their disregard of oaths, 259—their views as to executions for heresy, iii. 301—their condition at the time of the Reformation, 307—luxury and profligacy, 308—prevalence of concubinage, *ib.*—light in which this was regarded, 309—dissensions between them and the nobility regarding the Book of Discipline, iv. 34—efforts to secure provision for them, 36—arrangements made regarding this, 39—their dissatisfaction, 41—the allowances fixed, *ib.*—provision made by Parliament for them, 324—their difficulties in securing it, and distress in consequence, 325 *et seq.*—their position in the north under Huntly during the civil war, v. 68—convention at Leith, and their proceedings with regard to Episcopacy, &c., 75—Morton's scheme regarding their stipends, 150 *et seq.*—their position at this time, 151, note—their conduct with regard to Queen Mary at the time of her death, 261—their proceedings, &c., on the approach of the Armada, 265—their answer to James VI. in relation to Bothwell's attempts, 284—permanent council at Edinburgh, and its proceedings, 303—report of the Assembly on them, 306 *et seq.*—their "Declinatour" of the king's jurisdiction, 309—views taken by them as to the Gowrie Conspiracy, 338 *et seq.*—their disposition and views on the Restoration, vii. 127 *et seq.*—their ejection after the Restoration, 126—deprivation of, for refusing to pray for William and Mary, 297—threatened collision with the Crown regarding the Oath of Assurance, 455—restoration of concord, 458—the Presbyterian and Episcopalian, after the Revolution settlement, *ib.* *et seq.*—the oath imposed on them, 1712, viii. 225.
- Clerical dress, Act of Parliament of 1693 regarding it, vi. 88—proceedings of the king, 92, 93, 94.
- Clifford, capture of Douglas Castle from, ii. 253—defeat of, at Bannockburn, 265.
- Clifford, an English spy, iii. 173.
- Clifford, Lady, on the Scots in England, v. 396.
- Clifton, action at, in 1745, viii. 476.
- Clinton and Saye, Lord, a member of the commission on Queen Mary, iv. 432.
- Clontarf, battle of, i. 328.
- Clooseburn Castle, remains of, ii. 98, note.
- 'Cloud of Witnesses,' the, vii. 568.
- "Club," the, the parliamentary majority under William III. called, vii. 334.
- Coal, early use of, in Scotland, iii. 447.
- Coarb, the, in the early Irish Church, i. 242.
- Cochrane, the favourite of James III., iii. 24—the charges against him, 25—executed at Lauder, 27.
- Cockburn, Sir James, one of Mary's commissioners at York, iv. 415.
- Cockburn Law, so-called Danish burgh on, i. 95.
- Cocklaws Tower, besieged by the Percys, ii. 382.
- Coinage, regulation of, under James I., ii. 400—uniform introduced by the Union, viii. 131—the debate in the Scots Parliament on it, 170.
- Coins, Roman, found in Scotland, i. 58.
- Coke, Sir E., on the Regiam Majestatem, ii. 59 *et seq.*—the safe-conduct to the Scots commissioners signed by him, vi. 266.
- Coldbranspath, &c., destroyed by the English, iii. 153.
- Coldingham, Priory of, founded by King Edgar, i. 441—destroyed by Hertford, iii. 248—its remains, ii. 104.
- "College," the, in the Scots Church, and its adherents, viii. 422 *et seq.*
- Colliers, serfdom of the, viii. 520.
- Colman, Bishop of Northumbria, i. 272.
- Cologne, its antiquity as a municipality i. 67.
- Colonies, defects of the early British viii. 43.



- Columbanus, his adherence to the Scotch Irish Easter, i. 268.
- Columbite Church, disputes between it and the Roman as regards Easter, &c., i. 267 *et seq.*
- Colville, John, his letters, and sketch of his career, vi. 16, note.
- Colville, William, agent of the Covenanters in France, vi. 288.
- Colville or Calvin, see Calvin.
- Commerce of the country before the great war, ii. 107—extension of, influence of Scotland's desire for, in relation to the Union, viii. 3.
- Commercial regulations, debates on the Union articles regarding, viii. 154.
- Commissary Court, its establishment, iv. 218.
- Commission of Grievances, court called the, vi. 76.
- Commission of inquiry at York, the English members, iv. 414—Queen Mary's, 415—the commissioners from the king's party, and their instructions, 417—instructions to the English commissioners, *ib.*—discussion regarding the course to be taken should the alleged crimes be proved against Queen Mary, 418—the superiority question, 421—concealment of it from the Scots, *ib.*—their reception of it, 422—preliminary discussion, 424—opening statements on both sides, 425—the "Articles" of Murray as to the course should the crime be proved, 426—letter of the English commissioners to Elizabeth, 427—her answer, 429—fresh instructions from Elizabeth, 430—conference removed to London, 431—new English members appointed, *ib.*—formal accusation of the queen, and production of the casket letters, 440 *et seq.*—the "Book of Articles" against her, 443—the report on the casket letters, 444 *et seq.*—examination of Craufurd before them, 449 *et seq.*—offers made to Mary with regard to her exculpation, 453—counter-charge brought by her against Murray, &c., 454—terms of adjustment proposed by Queen Elizabeth, 458—final judgment of the commission, 460—its termination, 461.
- "Committee of Estates," appointment of the, vi. 288—after the Restoration, vii. 121—committal of Remonstrant clergy by them, 125.
- "Committee of Improvements," in connection with the Darien scheme, viii. 33.
- "Committee of the Articles" in the Scots Estates, iii. 390.
- "Committee of Visitation," appointment of, by the General Assembly, vii. 440—resistance to it in the north, 460 *et seq.*
- Commodus, outbreak of the Caledonians in his reign, i. 36.
- Common Order, the Book of, see Book.
- Communion, regulations of the Five Articles regarding, vi. 48, 52—service, Land's changes in the, 139 *et seq.*
- Commutation of tithes in Scotland, the, vi. 82.
- 'Complaynt of Scotland,' the, iii. 417—Leyden's reprint of it, *ib.*, note.
- Compurgation, the ancient law of, ii. 66.
- Comyn, Robert de, the founder of the family, i. 374.
- Comyn, John, one of the commissioners at Salisbury, ii. 47—summoned to the meeting of barons at Norham, 117—nature of his claim to the crown, 120—accepts Edward's superiority, 124—raids against England directed by, 167—one of the guardians of the kingdom, 202—attempt to defend Stirling Castle by, 220—capitulates to Edward, 224—nature of his claim to the crown, and his competition with Bruce, 236 *et seq.*—his slaughter, 239.
- Comyns, the, during the reign of Henry III., ii. 25.
- Conall, King of Dalriada, i. 287.
- Conan, traditional Bishop of the Isles, i. 391.
- Concrescalt, the Sieur de, iii. 45, 47.
- Concubinage, prevalence of, among the clergy before the Reformation, and how regarded, iii. 308 *et seq.*
- Condé, the Prince of, proposed as husband to Queen Mary, iv. 96.
- Condelead, an Irish bishop, legend of, i. 244.
- Confederate lords, the, meeting of, at Paisley, iv. 125—their reception in Edinburgh, and retreat to Dumfries, *ib.*—their flight into England, 129—are disavowed by Elizabeth, 132—their return from banishment after Rizzio's murder, 150—their band, 154—their danger after the queen's escape from Holyrood, 156—they flee to England, 157—remissions granted, *ib.*—their dealings with Queen Elizabeth, 235—Edinburgh Castle acquired by them, 236—their entry into the town, 237—assume the machinery of government, *ib.*—their manifesto, 238—march against Bothwell, 239—their forces, *ib.*—their position at Carberry, 240—Le Croc's attempts to mediate, 241 *et seq.*—the other conferences, 245 *et seq.*—flight of Bothwell and surrender of the queen, 246—her threats during the return to Edinburgh, 248—their first views regarding the queen, 251—they resolve on her imprisonment 252—remove her to Lochleven, *ib.*—they act on the casket letters as genuine, 277—compel the abdication of the queen, 278—their proceedings after the queen's abdication, 280 *et seq.*—the provisional regency, 281—coronation of the prince, 282—their

- proclamation, 285—their answer to the demands of the English ambassador, 299.
- Confession of Faith, the, its acceptance by the Reforming nobility, iv. 34—in the Book of Common Order, 334—the Second, King's, or Negative, v. 206 *et seq.*—the Westminster Assembly's, vi. 461—adopted by the Parliament of 1690, vii. 429.
- Conformity, Act of the Assembly of 1693 regarding it, vii. 457.
- Conindricus, traditional Bishop of the Isles, i. 391.
- Consanguinity, restriction of, stretched by the clergy and canon lawyers, ii. 345 *et seq.*, iii. 313 *et seq.*
- "Conservator of Privileges," office of, iii. 438.
- Consistorial Court, the, restored by Queen Mary, iv. 219—protest of the Assembly against this, 220.
- Constable, Sir R., his account of Sussex's ravages in Scotland, v. 24.
- Constantine, a claimant for the empire in Britain, i. 47.
- Constantine, King, killed by the Norsemen, i. 330.
- Constantine, III., defeat of Norsemen by, i. 332—defeated in Northumbria, 335—becomes Abbot of St Andrews, 336.
- Constantine, successor of Kenneth III., i. 340.
- Constantine, a leader of the Britons of Strathclyde, i. 280.
- Constantius Chlorus, the recovery of Britain by, i. 41.
- Contentus, traditional Bishop of the Isles, i. 391.
- Continent, the Scots religious houses on the, i. 407.
- Conventicles, Act against, vii. 178.
- Convention of Royal Burghs, the, ii. 91.
- Convention Parliament, see Parliament.
- Conway, Lord, forces under him, vi. 102—his defeat at Newburn, 303 *et seq.*
- Cooking-pots, ancient bronze i. 121—utensils, Roman, 57.
- Cope, Sir John, commands in Scotland in 1745, vii. 440—his march north, *ib.* *et seq.*—contempt already felt for him, 445—arrival at Dunbar, 451—march to Prestonpans, 452—his defeat, 453 *et seq.*—his flight, 455, 457.
- Copenhagen, the stone implements in the museum of, i. 114, 118 *et seq.*
- Coquet Island taken by the Scots, vi. 358.
- Corbredus Galdus of Buchanan identified with Galgacus, i. 12, note.
- Corchester, the Roman Corstopicum, i. 20, note.
- Corporation, the scheme of the, applied by the Roman Church to the monastic orders, i. 394.
- Corporations, rise, &c., of, in Scotland, ii. 83 *et seq.*—their early privileges, 93—vicissitudes they have undergone, 94.
- arbitrary attacks on them under Charles II., vii. 192.
- Corrichie, the battle of, iv. 51.
- Cotterel, Colonel, forcible closing of General Assembly by, vii. 303.
- Coucy, Enguerand de, ii. 21.
- Coucy, Mary de, marriage [of Alexander II. to, ii. 17—her family and character, 20—of her son's marriage, 24—again married to John de Brienne, 26.
- Council of 1559, the, iii. 349—its disregard of the demands of the Protestants, 350.
- Council of Trade, appointment of a, viii. 112.
- Councils of the Church, slight regard paid to them in Scotland, iii. 332.
- Counties or shires, division of the country into, ii. 53.
- Court of Session, its origin, &c., iii. 394.
- Courts Baron, introduced by Cromwell, vii. 63.
- Courts of High Commission, the, v. 441.
- Covenant, the First, iii. 345 *et seq.*, v. 206 *et seq.*—its authorship, vi. 183—its terms, 184—the signing of it, 186—measures to secure adhesion, *ib.*—declaration of the Aberdeen Doctors against it, vi. 234—penalties enforcing subscription, 280—discussed in the Westminster Assembly, 385—signed by Charles II., vii. 13—and again at his coronation, 33—burned by the hangman, 148—Act abjuring it, 158—dissatisfaction of the Cameronians at its non-adoption, vii. 431.
- Covenanters, the, measures to secure adhesion, vi. 186—their reception of the king's commissioner, 189—measures to prevent conveyance of stores into the castle, 190—their demands, 192—negotiations with the commissioner, *ib.* *et seq.*—their secret spies at Court, 194—protestation, 195—character of their proceedings, 198—their knowledge of Hamilton's secret instructions, 201—the mob as their first auxiliary, 203—measures to force adhesion, 204—Argyle's Highlanders, *ib.*—their adherents in the north, 205—opposition in Aberdeen, 206—their attempt to gain Huntly, 216 *et seq.*—their strength from the soldiers trained in the Thirty Years' War, 217 *et seq.*—seizure of their munitions of war on the seas, &c., 220 *et seq.*—efforts to raise money, 221—measures regarding the Assembly of 1638, 224—commission to Aberdeen, 233—struggle against the Gordons, &c., 236 *et seq.*—their blue ribbon, 248, note—preparations of the king against them, 255 *et seq.*—seizure of the fortresses, 256—forces assembled, and preparations, 258—refuse to receive the king's proclamation, 259—their march



to the Border, *ib.* — character of the force, 261 — the Highlanders, *ib.* — their numbers, 263 — the affair with Lord Holland, 264 — encampment on Dunse Law, *ib.* — attempts at mediation, 265 — commissioners appointed, 266 *et seq.* — the pacification of Berwick, 267 *et seq.* — supposed scheme to seize their leaders, 269 — their indignation at the king's duplicity, 271 — negotiations with France, 288 *et seq.* — extent to which the Parliamentarians were in alliance with them, 298 *et seq.* — their forces again assembled, 301 — enter England, *ib.* — battle of Newburn, 302 — capture Newcastle, 304 — their difficulties, 306 — further successes, 307 — first supplication, 308 — treaty of Ripon, 309 *et seq.* — manifesto by them, and Laud's notes on it, 311 — their pecuniary demands, 313 *et seq.* — the conference transferred to London, 316 — reception of their commissioners, 317 — popularity of their preachers in London, *ib.* — the treaty, 320 — measures against the Royalists in the north, 321 *et seq.* — and the west, 322 *et seq.* — first suspicions of Montrose, and proceedings against him, 331 — their defeat at Tippermuir, 366 — Montrose's campaign and victories, 367 *et seq.* — the charge of selling the king, 407 *et seq.* — the "Engagement," 410 — treaty concluded with Charles II., vii. 9 *et seq.* — "purgation" of their army, 15 — removal of the king to Dunfermline, 15, 17 — Leslie in command, 15 — further purifications, 17 — their declaration, 18 — day of fasting, 19 — evasion and recapture of Charles II., 31 — the report on "the causes of God's wrath," 34 — the Resolutioners, 35 *et seq.* — the Remonstrants, 38 — their "supplication" to Charles II., 123 — measures against them, 157 — the Ejection Act, 159 — the Mile Act, 160 — the Court of High Commission, 161 — quartering, &c., of troops on them, 169 — insurrection in the west, 170 *et seq.* — their defeat at Rullion Green, 171 — executions which followed, 175 — employment of torture, *ib.* — system of lawburrows, 176 — the Indulgence, 177 — the Act against conventicles, 178 — opposition of the violent to the Indulgence, and letters of intercommuning, 187 — employment of the Highland host against them, 188 — tests, &c., 191 — forfeitures and fines, 192 — of the west, their haunts, &c., 221 *et seq.* — their proclamation at Rutherglen, 222 — battle of Drumclog or Loudon Hill, 223 *et seq.* — its effect in increasing their numbers, 226 — force sent against them, *ib.* — dissensions among themselves, 227 — disunion caused by the arrival of Welch, 230 — the Hamilton Declara-

tion, 231 — negotiations with Monmouth, 232 — battle of Bothwell Bridge, 233 — the Sanguhar Declaration, 234 — excommunicate the king, 235 — divisions among them, and names by which known, 248, note — the literature of the, 467.  
 Covenanting party, its decrease in the Kirk, viii. 396.  
 Cowper, Rev. John, v. 261.  
 Cox, Dr, struggle with Knox at Frankfort, iv. 331.  
 Crab, his defence of Berwick, ii. 279 *et seq.*  
 Craibstone, combat of the, v. 69.  
 Craig, John, v. 46, 47 — part taken by him against the queen, iv. 80 — proclaims the banns between the queen and Bothwell, 225 — his defence of this step, *ib.* — present at the conference between Knox and Lethington, v. 56, 61 — leader of the Kirk party, 149 — defection of, 233 — rebuke to James VI., v. 282.  
 Craigengelt, George, v. 319.  
 Craigmillar, murder of Mar in, iii. 20 — its architecture, 433 — Queen Mary at, iv. 178 — contemporary account of the proceedings there, 179 *et seq.*  
 Craighadric, vitrified fort of, i. 87.  
 Cramond, Roman coins found at, i. 59, note — its importance under the Romans, 62.  
 Cranbourne, Lord, letter of James VI. to him on the Union project, v. 405.  
 Crannoges of Ireland, the, i. 89, and note.  
 Cranston, Thomas, v. 320, 324, 325.  
 Cranstone, Rev. Michael, v. 311.  
 Craufurd, the Earl of, president of the Estates, his character, vii. 302 — account of the torturing of Neville Payne, 349, note — his account of debate as to form of Church government, 425, note — in the Assembly of 1690, 437.  
 Craufurd, Thomas, his account of the interview between the queen and Darnley at Glasgow, iv. 183, 267 *et seq.* — notices of, in the casket letters, 255 — his examination before the English Council, 449 — his position, &c., *ib.* — his evidence in full, 450 *et seq.* — denounces Lethington, v. 8 — captures Dumbarton Castle, 33 *et seq.* — his previous career as soldier, *ib.*, note.  
 Cregar, Paul, a Hussite, martyrdom of, ii. 404.  
 Crawford, Lord, a member of the Romanist party, iv. 11 — at Queen Mary's marriage, 121 — signs the band for her, 377, note.  
 Crawford, Lord, one of the jury on Gowrie, v. 222 — a Popish convert 292.  
 Crawford, Lord, vii. 166.  
 Crawford, the Master of, v. 452.

- Crawford Moor, gold formerly found on, iii. 445.
- Crawford, the Earl of, bond with Douglas, ii. 422, 426—attacks the bishop of St Andrews, 426—contest with the Ogilvies, and his death, 437.
- Crawford, David, his 'Memoirs of the Affairs of Scotland,' v. 14, note.
- Creech, the Laird of, iv. 145.
- Creel-houses, Highland, i. 249.
- Creighton, Captain, account of Dalziel by, vii. 174, note.
- Creasingham appointed Treasurer of Scotland, ii. 178, 179, 189, 190—killed at the battle of Stirling, 191.
- Cressy's Church History, list of British saints, in, i. 180, note.
- Crichton, Sir William, Chancellor under James II., ii. 413—rivalry with Sir Alexander Livingston, 414—compact between them, 415—execution of the Douglasses, 416—struggle with Douglas, 421—narrow escape from the latter, 423.
- Crichton, Robert, queen's advocate, iv. 157—appears for the prosecution at Bothwell's trial, 210.
- Crichton, W., a Jesuit agent, v. 292.
- Crichton Castle, captured by Douglas, ii. 422—its architecture, 435.
- Crichtons, the, their struggle with Huntly in the north, vi. 209 et seq.—the burning of Frendraught, 211—proceedings against them, 212—their fall, ib. et seq.
- Crichton, moderator of the Assembly of 1692, vii. 452.
- Crinan Canal, geological interest of its district, i. 81, note.
- Cro, croo, or kro, the, in the laws of the Brets and Scots, ii. 63.
- Cromarty, Lord, tried at London, viii. 497.
- Cromdale, defeat of the Highlanders at, vii. 391.
- Cromwell, Sir Oliver, his reception of James VI., v. 362.
- Cromwell, Oliver, at Marston Moor, vi. 362 and note—his defeat of Hamilton at Preston, 411—march to Edinburgh, and terms imposed, 413—conferences with Argyle, 414—advance into Scotland, vii. 14—Lealie's position before Edinburgh, 21—skirmishes there, ib.—retreats to Dunbar, 23—battle of Dunbar, 24 et seq.—his answer to the preachers, 30—his liberality to the clergy, ib.—surrender of Edinburgh Castle, 39—march to Perth, 40—victory at Worcester, 41—pacification of Scotland, 45—indemnity, 47 et seq.—treaty with Argyle, 48—closing of General Assembly, 49—his foreign policy, 50—internal administration, 51 et seq.—measures for union, 52—establishment of free trade, 54—collection of the revenue, 58—abolition of feudalism, 59—attempt to introduce system of registration, 62—fortresses erected, 63, 74—Courts Baron, and postal communication, 63—measures regarding the Church, 64 et seq.—his position and influence in Scotland, 75—his fortresses dismantled, 143.
- Cronan or Crinan, Abbot of Dunkeld, i. 398.
- Cross, the, on the sculptured stones, i. 146.
- Crossraguel, seizure of Abbey lands by Cassilis, iv. 38.
- Crown, Act of Parliament of 1703 for settlement of, viii. 92.
- Crown jewels, transactions regarding them under Morton, &c., v. 155 et seq.
- Crown matrimonial, discussions regarding its being conferred on the Dauphin, iii. 291—Darnley's demand of it, 297.
- Culbleen, the battle of, ii. 323.
- Culdees, the, at Dunkeld, i. 277, 393—origin of the name, ib., note—not under an episcopate, 396—question as to whether they were a monastic order, 397—their peculiarities, 398—secularisation of their endowments, 399—the Scolochs among them, ib.—the question as to their age, 401 and note—the name at one time a term of reproach, 402—use made of them in the Presbyterian controversy, ib.—Eberd's account of them, 404, note—their struggle against the Roman Church, 413.
- Culen, King, death of, i. 338.
- Culloden, the battle of, viii. 489 et seq.—the alleged cruelties after it, 492 et seq.
- Culzean Castle, Brereton's account of, vii. 108.
- Cumberland, the Duke of, his movements against the Pretender, viii. 467—forces and movements, 469—the pursuit from Derby, 475—recaptures Carlisle, 477—returns to London, ib.—his character, &c., 482—enters Scotland, 483—halt at Nairn, and plan to surprise the enemy, 487—position at Culloden, 488—the battle of Culloden, 490 et seq.—his alleged cruelties after it, 492—rewards conferred on him, 493.
- Cumberland, given up to the Scots, i. 336—overrun by Wallace, ii. 195.
- "Cumbernauld Band," the, vi. 331.
- Cumbria or Cambria, the district known as, i. 337—disjoined from Scotland, 387—surrendered by Malcolm IV., 444.
- Cumbria or Strathclyde, see Strathclyde.
- Cummenus Albus, his work on St Columba, i. 255.
- Cunningham, Gabriel, moderator of the Assembly of 1690, vii. 439.
- Cunningham, Robert, iv. 210.
- Cunningham, William, iv. 119.
- Cunninghame of Ecket, leader of the

- Cameroniens, viii. 16a—the charge of bribery against him, 180, 185.
- Capar, recaptured by the Scots, ii. 325—trials for treason at, after 1715, viii. 338.
- Ourates, the, under Charles II., vii. 196, 197—their position in the western shires, 319—the “rabbling” of them, 320.
- Carl, Elizabeth, servant to Queen Mary, v. 264.
- Curry, Sir Pierce, killed at battle of Largs, ii. 35.
- Cursing or excommunication, power given to the Church, by, iii. 316—example of one, 318—how regarded in later times, 322.
- Dacre, Lord, negotiations with Albany, iii. 100, 102—inroad into Scotland, 103—report of scene between Albany and the Council from, 108—his victory at Solway Moss, 183—sheltered by the Borderers, v. 22.
- Dairie Church, its architecture, vii. 102.
- Dalgarno, George, his discoveries, vii. 98.
- Dalglish, George, one of the murderers of Darnley, iv. 187—the casket letters found in his possession, 252—his execution, 357.
- Dalketh, removal of the Privy Council to, v. 175—Castle, seized by the Covenanters, vi. 257.
- Dalriada, a kingdom so called, both in Ireland and Scotland, i. 206—that in Scotland, 207, 280, 286—that in Ireland, 286—throws off subjection to Ireland, 289.
- Dalry, defeat of Bruce at, ii. 249, 251.
- Dalrymple, Sir John, one of the commissioners to William III., vii. 294—suspicions attaching to him, 296, 303—his character, and hatred to him, 306—proposals for the settlement of the Church, 335—proceedings of Parliament against him, 336—exempted from Jacobite indemnity, 347—his connection with the Massacre of Glencoe, 398 *et seq.*, 402 *et seq.*—feeling against him in connection with it, 407—his letters on the subject, *ib.*—the parliamentary inquiry prompted mainly by hatred to him, 409—censured by Parliament, 410—his determination as to the Assurance Oath, &c., 455—notice of William Paterson by, viii. 16, note—project of, regarding the pay of the Scots troops, 100.
- Dalsiel, General Thomas, his defeat of the Covenanters at Rullion Green, vii. 172—his previous career and character, 173—Hackston examined before him, 237.
- Dalsiel, Captain, viii. 331.
- Damien, a Frenchman, satire of Dunbar on, iii. 286.
- Dancing, denunciations of, by Knox, iv. 57.
- Danes, invasions by the, in the time of the Conqueror, i. 374—traditional connection of the sculptured stones with them, 143—or Norsemen, see Norsemen.
- Daniel, W., one of Sharp's murderers, vii. 218.
- Danish towers, the so-called, i. 91 *et seq.*
- Darien, its proposed colonisation by the African Company, viii. 40—interest always attached to the isthmus, 41—equipment and force of the first expedition, 42—secret elements of failure in it, 43—its internal organisation, 44—dissensions and jealousies among the colonists, *ib.*—claimed by Spain, 45—parallel between the colonists and the buccaneers, 47—seizure and condemnation of one of their crews by the Spaniards, *ib.*—measures of retaliation, 48—appeal by Spain to the British Government, *ib.*—hostile attitude of the American colonies, 49—neglect to provide for communication, &c., with Scotland, 50—scarcity and disease, *ib.*, 51—the first colonists depart, and their fate, 51—second expedition, 52 *et seq.*—and third, 53—rumours of disaster, *ib.*—forces sent out under Campbell of Finab, despondency in the settlement, 54—conduct of the clergymen, 55—its disastrous effects, 56—preparations of the Spaniards against it, *ib.*—defeat of the Spaniards, 57—capitulation to these, *ib.*—feelings of indignation in Scotland, 58.
- Darien Scheme, the, see African Company.
- Darnley, first meeting of, with Queen Mary, iv. 106—his descent and antecedents, *ib.*—his marriage, 121—created King of the Scots, 123—declaration of the Protestant lords against this, *ib.*—refusal of England to acknowledge his title, 124 *et seq.*—his character, 137—growing estrangement of the queen, *ib.*—a party to the band for Rizzio's murder, 141—and to that for bringing back the exiled lords, 143—the murder of Rizzio, 145 *et seq.*—his demeanour after it, 148—proclamations, 149—the queen's change of tone, 152 *et seq.*—his treachery to his confederates, 159—alienation of the queen, *ib.*—proposes taking refuge in France, 161—proposals for divorcing him, 179 *et seq.*—absent at the baptism of the prince, 181—his illness, and removal to Glasgow, *ib.*—the band for his murder, 182—the queen's visit to him, 183—his removal to Kirk-of-Field, 184—the persons immediately engaged, 187—his murder, 189 *et seq.*—aspect of the palace, &c., after it, 193—placards denouncing the

- murderers, 196—excitement, *ib.*—his burial, 198—the references to him in the casket letters, 255 *et seq.* pass.—execution of the subordinate murderers, 357—Crawford's evidence as to the queen's conversation with him at Glasgow, 449, note.
- Dartmouth, Lord, the queen's letter to the Assembly of 1712 signed by, viii. 232.
- Dauney on ancient Scots music, vii. 96, note.
- David I., founding of the Scots bishoprics by, i. 418, note—his accession, 426—his residence at the English Court, and its effects, 427—revolt and subjugation of the Maormor of Ross, *ib.*—yields homage to England as Earl of Huntingdon, 429—war and treaty with Stephen, 435—invasion of England, *ib.* *et seq.*—battle of the Standard, 439 *et seq.*—his death, 440—religious foundations by him, 441—his ordinances, ii. 54, 61, 62—the *Regiam Majestatem* ascribed to him, 58, 78, 80—germ of jury trial in his laws, 66—laws regarding hanging, 69—and poor suitors, 70—legend regarding his finding the Black Rood, 175.
- David II. (Bruce), his accession and coronation, ii. 309—regency of Randolph, 310—removed to Paris, 316—returns to Scotland, 324—invasion of England, 327—his defeat and capture, *ib.*—removed to the Tower, 330—negotiations with him, 331—bargain for his release, 332 *et seq.*—his conduct after his return to Scotland, 337—death of his queen, and marriage to Margaret Logie, *ib.* *et seq.*—proposes the son of Edward III. as his successor, 338—secret agreement with Edward III., 339—measures of Parliaments to check the royal prerogative, 341 *et seq.*—expedition into the Highlands, and his death, 342—nominal submission of the West Highlands, 388.
- David, Earl of Crawford, the "Tiger Earl," ii. 428.
- David, Earl of Huntingdon, claims of his descendants to the crown, ii. 127.
- David, Lord of Cumbria, i. 392.
- Davidson, Sir A., killed at Harlaw, ii. 394.
- Davison, Secretary, sent as ambassador after the Ruthven Raid, v. 189, 197 *et seq.*—and on the execution of Gowrie, 223—account of Arran and his countess, 228—and of the king, 229—picture of the Countess of Gowrie, 238—his letter suggesting the assassination of Queen Mary, v. 257.
- Dead, disposal of, in prehistoric times, i. 105.
- Dead Man's Angel, in the ceremony of incrementation, i. 109.
- 'Dean of Lismore's Book,' the, iii. 426.
- Deane, General, vii. 48, 52.
- Debateable Land, the, iii. 144.
- Dee, ancient bridges over the, ii. 122.
- Defensive armour, importance attached to, ii. 181.
- Defoe, account of the anti-Union riots by, viii. 143—on the Solemn Fast, 145, note—on the first vote on the Union, 153, note—account of the outbreak in Glasgow, 158, note—on the Equivalent, 169—account of the arrival of the Equivalent, 209, note.
- Deil's Dyke, the, i. 91.
- Delaware, Lord, v. 107.
- '*Deliciæ Postarum Scotorum*,' the, vii. 81.
- Demoniacal possession, the doctrine of, vii. 116 *et seq.*
- Dempster, on George Wishart, iii. 257, and note.
- Denmark, joins the Holy Catholic League, iii. 56—the king a suitor to Queen Mary, iv. 98—Bothwell in, 464 *et seq.*
- De Quincys, lands in Scotland claimed by, ii. 314.
- Derby, arrival of the Pretender at, viii. 467—the retreat from it, 469, 474.
- Dermod, King, i. 247.
- De Ros, Wm., summoned to the meeting of Barons at Norham, ii. 117—accepts King Edward's superiority, 124—ground of his claim, 126.
- Derwentwater, the Earl of, rising in 1715, viii. 295—his trial, 334—his execution, 336.
- Devergoil, descent of Balliol from, ii. 128—and of Comyn, 129.
- De Witt, the painter of the Holyrood portraits, viii. 536.
- Dicaledons, a branch of the Picts, i. 45.
- Dickson, David, vii. 336—one of the commissioners to Aberdeen, vi. 233—Moderator of the Assembly of 1639, 273.
- Dignities, rise and peculiarities of, under the feudal system, i. 358 *et seq.*
- Diocesan bishops, unknown in the early Scots Church, i. 396 *et seq.*
- Diocletian and the fortune-teller, the story of, i. 213, 349, note.
- Diodorus Siculus, supposed reference to Arthur's Oon by, i. 53, note.
- Dion Cassius, his history, i. 37.
- Directory for Public Worship, the Westminster Assembly's, vi. 392, 395 *et seq.*
- Dirlston Castle, the ruins of, ii. 99, 214, note—captured by Edward I., 199.
- Discipline, efforts for its restoration, 1716, &c., viii. 388.
- Disinherited barons, the, their claim, &c., on Scotland, ii. 311 *et seq.*
- Divine right, doctrine of, unknown in feudal times, i. 430.
- Divorce, state of the law of, at the time of Bothwell's abduction of Queen Mary, iv. 218.

- Dogs, destruction of, in Aberdeen, by Montrose, vi. 247.
- Domestic architecture, early, ii. 96—utensils, ancient bronze, i. 121.
- Domnal or Donald, King of Strathclyde, i. 281.
- Domnal, his victory at Mach Rath, i. 291, vi. 34.
- Donald III., King, i. 330.
- Donald IV., killed by the Danes, i. 331.
- Donald Balloch, rebellion of, against James I., ii. 403—(the second), insurrection of, against James III., iii. 2.
- Donald Bane, reign of, i. 385.
- Donald Brec, King of the Scots, i. 290—his defeat at Mach Rath, in Ireland, 291, vi. 34.
- Donald Dhu, rebellion and subjugation of, iii. 64, 65.
- Donald Gorme, death of, iii. 175.
- Donald of the Isles, claims the earldom of Ross, ii. 392—his defeat at Harlaw, 393—subdued by James I., 402, 403.
- Doomsday-book, on, i. 352, and note.
- Dorset, the Earl of, on the death of Prince Henry, v. 388.
- "Dorsum Britannia," the old name for the Grampians, i. 15.
- Douglasses, lawsuit of the, appealed to Edward I., ii. 160—the family of, 185—the head joins Wallace, *ib.*—their lands in England, 312—their alleged pretensions to the crown on the accession of Robert II., 343—origin and secret of their power, 416—their alliances, &c., with royalty, 418—their possible claims to the throne, 419—weakening of their power, 421—struggle between them and James II., 425 *et seq.*—feuds between them and the Hamiltons during minority of James V., iii. 89—ravaging of their lands by Hertford, 235—desecration of their tombs, 236.
- Douglas, Lord James, surrenders to the English, ii. 187—joins Bruce, 253—the "Douglas Larder," *ib.*—at Bannockburn, 265—invasion of England by, 281—and again, 298—his death, 308.
- Douglas, the Earl of, defeated at Halldon Hill, ii. 317—raid into England, 353 *et seq.*
- Douglas, the Earl of, invasion of England under, ii. 359—battle of Otterburn, 360 *et seq.*—his death there, 363.
- Douglas, the Earl of, captures Dunbar Castle, ii. 378—defeated and wounded at Homildon Hill, 379—joins in the plot against Rothesay, 380.
- Douglas, the Earl of, in alliance with Hotspur, ii. 382.
- Douglas, the Earl of, his death at the commencement of James II.'s reign, ii. 414.
- Douglas, the Earl of, and his brother, executed under James II., ii. 415.
- Douglas, the Earl of, his bond with Crawford and Ross, ii. 422—pilgrimage to Rome, 424—his slaughter, 425.
- Douglas, the Earl of, continued struggle with the king, ii. 429—defeated, and flees, 430—forfeiture of his estates, *ib.*—invades Scotland, 432—a party to treaty for partition of Scotland, 433—taken prisoner, and enters a monastery, iv. 429.
- Douglas, Archibald, made Duke of Touraine, ii. 417.
- Douglas, Sir Archibald, ambassador to France, ii. 348—invades England, 359.
- Douglas, Archibald, iv. 154—emissary to Morton as regards Darnley's murder, 182—language to the English Court regarding Queen Mary, v. 253.
- Douglas, Catherine, her devotion to James I., ii. 408.
- Douglas, Gavin, iii. 94—his poems, 419.
- Douglas, George, outlawed for Rizzio's murder, iv. 159—excepted from the pardon, 181.
- Douglas, Sir George and Archibald, raid into Scotland under, iii. 153—returns to Scotland, 190—on the national feeling against England, 193—policy recommended to Henry VIII., 194—and the treaty regarding Queen Mary, 203—relations of Henry VIII. with, 217.
- Douglas, George, becomes a partisan of Queen Mary's, iv. 364—removed from the castle, 365—joins her on her escape, 367—accompanies her in her flight from Langside, 375.
- Douglas, John, Archbishop of St Andrews, v. 75.
- Douglas, Lady, the keeper of the queen in Lochleven, iv. 361.
- Douglas, Lord, one of the commissioners to treat for peace, vi. 267.
- Douglas, Margaret, the Fair Maid of Galloway, ii. 421—married to the Earl of Douglas, 422.
- Douglas, Margaret, Countess of Lennox, Darnley's mother, iv. 106.
- Douglas, Marjory, marriage of Rothesay to, ii. 378.
- Douglas, Robert, an alleged grandson of Queen Mary's, iv. 365, vii. 32, note—commissioner to Westminster Assembly, vi. 381—his sermon at Charles II.'s coronation, vii. 32—appointed with Sharp as representative of the Presbyterians, 129—correspondence between them, 130—his indignation at Sharp's treachery, 134—his character, 135, note.
- Douglas, Sir William, ii. 325—murder of Sir Alexander Ramsay by, and his after-fate, *ib.* 326—at Neville's Cross, 327—recovers Teviotdale, 350.
- Douglas, William, Lord, ii. 421—struggle with Crichton, *ib.*—married to the Fair Maid of Galloway, 422.

- Douglas, Willy, the agent in Queen Mary's escape, iv. 366—after-notice of him, *ib.*, note—accompanies her in her flight from Langside, 375.
- Douglas, General, exempted from Jacobite indemnity, vii. 347.
- Douglas, the Duke of, forces raised by, in 1715, viii. 274.
- Douglas Castle, captured by James II. ii. 428—occupied by the Covenanters, vi. 257.
- Doune Castle, plot for removing James VI. to, v. 185.
- Dracken Castle, taken by Morton, v. 167.
- Draxholm Castle, death of Bothwell in, iv. 468.
- Dreux, the Count de, marriage of Alexander III. to his daughter, ii. 42.
- Drift, question of archaeological deposits in the, i. 81, 118.
- Drowning, modes of death by, vii. 253.
- Druidical stones, so-called, i. 82, note, 86, 133 *et seq.*, 137.
- Druidism, assigned as the early religion of Scotland, i. 209—the modern accounts of it, 210—the evidence on which these rest, 211 *et seq.*
- Drum Albin, the old name of the Grampians, i. 17.
- Drumclog, see Loudon Hill.
- Drummond, Earl of Perth, vii. 281—proceedings of the Estates against, 298 *et seq.*—attempt to arrest, viii. 252—in 1715, 258—attempt on Edinburgh Castle by, 275—forfeited, 348—joins the Pretender, 444—at Prestonpans, 454—jealousy between him and Lord George Murray, 464—at Culloden, 490.
- Drummond, Lady Margaret, mistress of James IV., iii. 81.
- Drummond, servant to Darnley, iv. 198.
- Drummond, Lord, one of the queen's party, iv. 377, note.
- Drummond, murder of, by the MacGregors, vi. 24.
- Drummond, General, vii. 69.
- Drummond of Hawthornden, his poems, vii. 81.
- Drummond, Mr, measures urged for defence of Edinburgh in 1745, viii. 445, 447.
- Drummond, Lord John, French force landed under, in 1745, viii. 473.
- Drummond of Balhaldy, joins Claverhouse, vii. 362—Jacobite emissary to France, 1742, viii. 433.
- Drummond, Captain, supposed piracy and murder of, viii. 106—subsequent rumours regarding him, 107.
- Drummonds, the, in the rising of 1715, viii. 257.
- Drummoys Muir or Culloden, the battle of, viii. 489 *et seq.*
- Drumwhassel, the Laird of, v. 135.
- "Drunken Parliament," the, vii. 159.
- Drury, Robert, account of Captain Drummond by, viii. 108.
- Drury, Sir W., report of conversation between Murray and the queen, iv. 364, note—account of attempt at escape, 365—attempts at mediation, v. 68, 77—truce procured by him, 73—efforts to bring over Grange, &c., 115—commands the force sent against Edinburgh Castle, 120—suggestion of Queen Mary's murder to him, 257.
- Druist, first King of the Picts, i. 281.
- Dryburgh, Monastery of, founded by David I., i. 442—destroyed, ii. 290—and again, iii. 248.
- Dryburgh, the Abbot of, v. 135, 163.
- Drysdale, James, a retainer at Lochleven, iv. 367, note.
- Dublin, Norse kingdom in, i. 329, ii. 26.
- Duf, King, his death, i. 338.
- Duff, Angus, seized by James I., ii. 402.
- Duffus, Lord, in 1715, viii. 259.
- Dumbarton, the capital of Strathclyde, i. 183—its capture by the Saxons and Picts, 280—Castle, surrendered to Queen Mary, iv. 86—march of Queen Mary for, 372—its capture by Craufurd, v. 32 *et seq.*—its effect on the queen's cause, 36—governorship conferred on Esmé Stewart, 170—seized by the Covenanters, vi. 256, 307.
- Dumfries, taken by Bruce, ii. 256—outbreak against the Union at, viii. 161—loyalist demonstrations in, 1715, 270—threatened by the Jacobites, 291, 294—loyalty of, in 1745, 470—contributions levied by the rebels on, 478.
- Dunallshalg, the burgh or Pictish tower at, i. 92.
- Dunaverty Castle, its capture by James IV., iii. 58, note.
- Dunbar Castle, taken by Edward I., ii. 170—siege of, by the English, 324—betrayed, but retaken, 378—betrayed to England, iii. 28—conditions of treaty regarding it, 29—evacuated by the French, and fortified by James V., 173 *et seq.*—flight of Mary and Darnley to, after Rizzio's murder, iv. 155—conferred on Bothwell, 164—Queen Mary carried by Bothwell to, 217—their flight to, 235.
- Dunbar, the battle of, vii. 24 *et seq.*
- Dunbar, Bishop of Aberdeen, iii. 116.
- Dunbar, the Earl of, invasion of England under, ii. 359.
- Dunbar, the Earl of, repression of disorders on the Border by, vi. 19.
- Dunbar, Lady Elizabeth, ii. 378.
- Dunbar, the poems of, iii. 419—edition printed by Chepman, 425, note—his attack on Damien, 286.
- Dunbar, Sheriff of Moray, v. 290.
- Dunblane, bishopric of, founded, i. 442—the Bishop of, Queen Mary's instructions to him as her envoy to France

- regarding her marriage, iv. 229—the Bishop of, under James VI., his difficulties, &c., v. 459 *et seq.*
- Duncan, King, his reign and death, i. 343 *et seq.*—the son of a Culdee abbot, 398.
- Duncan, King, son of Malcolm Canmore, i. 385.
- Duncan Laideus, the Lament of, iii. 420.
- Duncanson, Major, his connection with the Massacre of Glencoe, vii. 404.
- Duncha, King of the Scots, death of, i. 288.
- Dundarg, siege of Castle of, ii. 321.
- Dundas, Eufame, charge brought against Knox by, v. 85.
- Dundas, Walter, Edinburgh Castle surrendered to Cromwell by, vii. 39.
- Dundas, James, indicted in connection with the Jacobite medal, viii. 244.
- Dundee, the Marquis of, see Graham of Claverhouse.
- Dundee, origin of the name, ii. 128, note—taken by Bruce, 256—attacks on monasteries in, iii. 250—fine imposed by Queen Mary on, iv. 126—the town-clerk, one of the commissioners at Ripon, vi. 309—captured by Montrose, 370—stormed by Monk, vii. 41 *et seq.*—restoration of church tower of, 45—James VIII. proclaimed at viii. 263—abortive trials at, after 1715, 338.
- Dundrennan, Queen Mary's flight to, iv. 375.
- Dune, island-castle of, iv. 360, note.
- Dunfermline, burial of St Margaret and her husband at, i. 381, note—Abbey founded by her, 441—residence of the kings at, ii. 53—early mention of, as a burgh, 88—Abbey Church, 104—Monastery destroyed by Edward I., 220.
- Dunfermline, Lord Chancellor, on the state of the Borders, vi. 19—commissioner to Charles I., 285, 309.
- Dunfermline, Lord, at Killiecrankie, vii. 381.
- Dunglas Tower destroyed, iii. 153.
- Dunipace Hills, supposed origin of, i. 65, note.
- Dunivaig Castle, struggle between the Bishop of the Isles and the Islesmen for, v. 456 *et seq.*—recaptured by Government, 459.
- Dunkeld, removal of relics of St Columba to, i. 276—bishopric, 418, 442—Cathedral, instructions regarding destroying images, &c., in it, iii. 354—its architecture, 431—the bishop arraigned before the Assembly, v. 147—he a member of the Parliament of 1582, 188—under James VI., his pecuniary difficulties, 450.
- Dunkeld, the position of, vii. 386—its defence by the Cameronians, 387 *et seq.*
- Dunkirk, the acquisition of, by Cromwell, vii. 50.
- Dun Macnìachain, vitrified fort of, i. 87, 88.
- Dunnadeer, vitrified fort of, i. 87.
- Dunnechtan or Nechtans-mere, the battle of, i. 282.
- Dunnottar, recaptured by the Scots, ii. 324—carrying off of the Regalia from, vii. 142—the Covenanting prisoners at, 271 *et seq.*—the Whigs' vault shown there, 278, note.
- Duns Scotus, iii. 408.
- Dunse Law, the Covenanters' camp on, vi. 264.
- Dunsinnane, hill-fort on, i. 86—battle of, 346.
- Dunstaffnage Castle, ruins of, ii. 100, note, iii. 57.
- Duntocher, Roman fort of, i. 34, 35.
- Duplin, battle of, ii. 315.
- Durand, Colonel, surrenders Carlisle to the Pretender, viii. 463.
- Durham, James, vii. 79.
- Durham, William, iv. 119.
- Durham, defeat of the Scots at, i. 340—removal of the Black Rod of Scotland to, ii. 176, note.
- Durham, the Bishop of, after the battle of Otterburn, ii. 367—his retreat, 368.
- Durie, John, a Presbyterian clergyman, v. 199—his entry into Edinburgh, 209—banished, 214.
- Duries, their quarrel with Kirkcaldy, v. 45—slaughter of one of them, 46.
- Durward, Allan, claim of his descendant to the crown, ii. 126—his intrigues, &c., during the minority of Alexander III., 25.
- Durwards, the, their origin, ii. 344.
- Dutch, the, their prosecution of the herring fishing off Scotland, viii. 34.
- Duttoncolt, Sir Harry, viii. 216.
- "Dying Testimonies," &c., the, character of, vii. 467, note.
- Eadmer and the bishopric of St Andrews, policy of the English Primate regarding, i. 422 *et seq.*
- Eard or earth-houses of Scotland, the, i. 98 *et seq.*
- 'Earnest Contendings for the Faith,' the, vii. 275, note.
- Earthenware, Roman, found in Scotland, i. 51.
- Easter, the dispute regarding its time, i. 267 *et seq.*
- East India Company, the, viii. 20—hostilities between it and the African Company, 105.
- Ebrard, Dr, on the Culdees, i. 404, note.
- Ecclesiastical architecture, its state to the Reformation, iii. 427 *et seq.*—buildings, the early, i. 248—their destruction, degree in which due to the Reformers, iii. 352—courts, their process



- against heresy, &c., 301 *et seq.*—disputes, the, after the Revolution, their effects on literature, viii. 549—domination of England, the struggle caused by it, 2—endowments, early lay appropriations of, i. 399—historians, silence of the early, as regards Druidism, 217—property, resumed under Charles I., vi. 75 *et seq.*—remains, early Norman, ii. 102—revenues, difficulties about them on the restoration of Episcopacy, v. 444—settlement, suspicions regarding it on the accession of Queen Anne, viii. 89.
- Eddas, their mythology, i. 222 *et seq.*—their harmony with the spirit of the people, 230—their history, 232, note.
- Eden Hall, remains of, i. 96.
- Edgar, King, his accession and reign, i. 385.
- Edgar the Aetheling, his flight into Scotland, i. 373—invades England, 374—submission to the Conqueror, 377—his ultimate destiny, 384.
- Edinburgh, Roman remains in, i. 50—proofs of Roman occupancy, 62—castle surrendered to the English, 448—early mentioned as a burgh, ii. 88—one of the Four Burghs, 90—Edward I. at, 171—the castle taken, *ib.*—taken by Bruce, 256—recaptured by the Scots, 325—its state at the time of the expedition of John de Vienne, 353—castle, occupied by Crichton, 421—James III. a prisoner in it, iii. 28—repayment of the English princess's dower by, 29—report of a spy on the castle, 49—the vision before Flodden at the cross, 75—state after Flodden, and building of wall, 83 *et seq.*—combat between the Douglasses and Hamiltons in, 94—public acknowledgment of James V. at, 122—captured and burned by Hertford, 234—captured by the Lords of the Congregation, 357—death of Mary of Guise in castle, 381—reception of Queen Mary, iv. 24—riot at pageant, 27—reception of the confederates, 125—fine imposed by the queen, 127—excitement after Darnley's murder, 198—castle, acquired by the confederates, 237—return of the queen, and her reception, 249 *et seq.*—reception of Murray, 286—Mary's policy in withholding her assent to the treaty of, 408—instructions to the York Commission regarding treaty, 418—the castle the headquarters of the queen's party, v. 28—meeting of queen's Parliament, 63 *et seq.*—Kirkcaldy's defensive measures, 66—the siege begun, 67—the churches closed, 74—castle, still held by Grange, &c., 115—firing on the town, 117—force sent from England for its reduction, 120—siege of the castle, 121 *et seq.*—its surrender, 125—surrendered by Morison, 162—religious disturbances in, 1597, 310—first measures of revenge, and reconciliation, 312—thanksgiving sermon regarding the Gowrie Conspiracy, 338—feeling among the clergy on the fall of the Melville party, 436—opposition to the Five Articles of Perth, v. 57—diocese of, constituted, 98—first reading of the Service-book, and disturbances, 149 *et seq.*—interdict against public worship, 154—danger of the bishop, 152—the contest against the Service-book to be fought in, 164—threatened removal of the courts, 165 *et seq.*—riot in, 165—assemblages of the Supplicants, 164, 167—measures to secure the Council, 167—the Supplication, 168—removal of the Privy Council, 175—enthusiasm for the Covenant, 186—castle, seized by the Covenanters, vi. 256—Charles II. proclaimed, 419—execution of Montrose, vii. 8—Castle, surrendered to Cromwell, 39—Sir W. Brereton's sketch of it, 105—rejoicings on the Restoration, 119, note—castle held for James II., 288, 356—interview between the governor and Claverhouse, 289—its siege, 357—casualties in the town, 358—its surrender, 359—effect of the news of Killiecrankie at, 383—the provost of, a subscriber to the Darien Scheme, viii. 29—manufactures of, 1695, 35—illuminations and riots after the victory of Tubacanti, 61—agitation against the Union, 138, 139—riots, 142, 157—Jacobite plot for seizing the castle in 1708, 202—proclamation of George I. at, 250—precautionary measures at, 251—Jacobite demonstrations in, *ib.*—attempt of the Jacobites on castle, 1715, 275—loyalist demonstrations in, 1715, 268—threatened by MacIntosh in 1715, 287—attempt of Wilson, &c., to escape from the Tolbooth, 360—brewers, their resistance to the malt-tax, 356 *et seq.*—penalties inflicted for the Porteous Mob, 367—state of, in 1745, and measures for defence, 445 *et seq.*—its capture by the Highlanders, 449 *et seq.*—their return to it after Prestonpans, 458—state after the departure of the Highlanders, 470.
- Edinburgh, the Bishop of, in the Convention Parliament, vii. 421.
- Edinburgh, treaty of, iii. 372 *et seq.*—efforts by England to obtain ratification of it from Francis II., 378 *et seq.*—and from Queen Mary, iv. 12 *et seq.*
- Edmund the Saxon, connection between him and Malcolm, i. 336.
- Ednam, origin of parish of, i. 417, note.
- Edrington or Caw Mills Castle, negotiations regarding, iii. 155.
- Education, early provisions for, iii. 309.



Edward the Saxon, alleged acknowledgment of his supremacy, I. 332.

Edward I., accession of, II. 40—forged entry of homage by Alexander III., 41—threat of Bruce to appeal to him, 44, and note—his first policy toward Scotland, 46—commission at Salisbury on Scotland, 47—contemplates the marriage of his son to the Princess Margaret, 48—treaty of Brigham, *ib.*—threatening measures, 49—attempt to assign the Regiam Majestatem to his reign, 59—his ordinance regarding Scots law, 62—writs, &c., removed from Scotland, 65, note—the disputed succession, 112—death of his queen, 15—letter from the Bishop of St Andrews, 116—meeting at Norham, 117—claims feudal superiority, 118 *et seq.*—second meeting, and his speech, 120—answer of the Scots, *ib.*, 121—the claimants accept his superiority, 122 *et seq.*—his policy in encouraging claimants, 125 *et seq.*—nature of their claims, 126 *et seq.*—appointment of arbiters, 132—appointments made by him as Lord Superior, 134—demands the surrender of the fortresses, 135—oath of allegiance to him, 136—commission to examine documents, *ib.*—search in the ecclesiastical houses for documents, 139—proceedings resumed, 141—law by which the question should be decided, 142 *et seq.*—his policy with regard to the superiority, 143—decision in favour of Balliol, 145 *et seq.*—the pleadings in favour of the claimants, 146 *et seq.*—the final judgment, 154—investiture of Balliol, *ib.*—the latter pays homage, 156—litigations appealed to him, 158—Balliol appears in appeal cases before him, 160—quarrel with France, 163—summoned before Philip, *ib.*—treaty between Balliol and Philip, 165—war with Scotland, 166—capture of Berwick, 167 *et seq.*—renunciation of fealty by Balliol, 170—capture of Dunbar and Edinburgh castles, *ib. et seq.*—progress through Scotland, 171—removal of Stone of Destiny, 172—and of the Black Rood, 174—surrender of Balliol, 176—homage from the nobility, 177—title now assumed by him, 178—appointments made in Scotland, *ib.*—measures directed against Wallace, 185—battle of Stirling, 190 *et seq.*—preparations, 198—invasion, 199—battle of Falkirk, 200—his subsequent retreat, 201—truce with France, 203—its extension to Scotland, 204—his league with the Flemings, 205—Peace of Paris, *ib.*—his views as to the Scots Church, 206—interference of the Papal Court, 208 *et seq.*—his answer to this, 211 *et seq.*—capture of Caerlaverock Castle, 214—battle of Roslin, 217—pre-

parations for fresh invasion, 219 *et seq.*—his Court at Dunfermline, 220—capture of Stirling Castle, 221—his new policy of leniency, 223—capitulation of the leaders, 224—Wallace exempted from clemency, 225—his trial and execution, 227 *et seq.*—carrying out his new policy toward the country, 229 *et seq.*—Parliament called, 230—regulations under it for governing the country, 231 *et seq.*—conciliation now impossible, 233—flight of Bruce, *ib.*—designs against the latter, 238—proceedings on the news of Bruce's coronation, 242—revenge on the Countess of Buchan, *ib.*—proclamation against the Scots, 243—preparations for invasion, 244—his death, 246—its effects as regards the conquest of Scotland, 254—his disregard of his oaths, 259.

Edward II., knighted by his father, II. 244—invasions of Scotland, 255—truce agreed to, 257—his defeat at Bannockburn, 264 *et seq.*—refuses to acknowledge Bruce, 272—refuses to acknowledge the independence of Scotland, 282—again invades it, 289 *et seq.*—truce agreed to, 293.

Edward III., his accession, II. 297—renewal of war with Scotland, 298—narrow escape from capture, 301—acknowledges the independence of Scotland, 303—discountenances the invasion by the disinherited barons, 315—his superiority acknowledged by Edward Balliol, *ib.*—invades Scotland, 316—treaty, &c., with Edward Balliol, 319—measures for securing the surrendered districts, 320—again overruns Scotland, 321—invades France, 323—truces with Scotland, and breaches of these, 326—battle of Neville's Cross, and capture of David II., 327—truce, 331—negotiations with David II., *ib.*—bargain for his release, 332—the crown surrendered by Balliol, 334—invades the country, 335—barbarities of his soldiers, *ib.*—acquisition of the south of Scotland, 336—his son proposed as successor to David II., 339—secret agreement with the latter, 340—truce, 341—peace maintained, 348—payment of the ransom of David II., *ib.*—his death, 349.

Edward IV., understanding between him and the Highland chiefs, III. 2, 3—treaty with them, 3—forged documents on supremacy question, 4 *et seq.*—treaty with the Duke of Albany, 21—policy toward Scotland, 22—force mustered against him, 23—the supposed murder of his sons, 44 *et seq.*

Edward VI., treaty for the marriage of Queen Mary to, III. 202—reception of Mary of Guise by, 283—his Liturgy used in the Scots Kirk, IV. 330.

Edwardian castles in Scotland, *ii.* 178, *iii.* 433.  
 Edwin, the Saxon king, the Picts subject to, *i.* 281.  
 Egbert, capture of Dumbarton by, *i.* 280.  
 Egfrid, defeat of, by the Picts, *i.* 281.  
 Eglesham, William, envoy to the Papal Court, *ii.* 208.  
 Eglinton, Lord, joins Queen Mary after her escape, *v.* 367, 377, note—indemnity to, 117.  
 Eglinton, Lord, heads the Covenanters in the west, *vi.* 322, 412.  
 Elgg, martyrdom of St Donnan in, *i.* 258.  
 Elbœuf, the Marquis of, accompanies Queen Mary to Scotland, *iv.* 18—concerned in a riot, 88, 89.  
 Elcho, Lord, defeated at Tippermuir, *vi.* 366.  
 Eleanor, queen of Edward I., her death, *ii.* 115.  
 Elfy or elf arrow-heads, *i.* 129, note.  
 Elgin, march of Edward I. to, *ii.* 177—the cathedral destroyed, 390—despoiled after the Reformation, *iv.* 354—its architecture, *iii.* 428—captured by Mackay, *vii.* 367—Episcopalian clergymen in, after 1688, 464.  
 Elizabeth, second wife of Robert Bruce, *ii.* 307.  
 Elizabeth, queen of Robert II., *ii.* 345.  
 Elizabeth, the Princess, project of marriage between her and Arran's son, *iii.* 195—her accession, 296—her legitimacy denied by France and Spain, *ib.*—efforts to detach Scotland from the coalition, 297—her difficulties as to interfering in Scotland, 358—her hatred to Knox, 361—policy advocated by her, 364—treaty with the Lords of the Congregation, 366—treaty of Edinburgh, 373—refusal of a safe-conduct to Queen Mary, *iv.* 16—negotiations with Mary, 42—her knowledge of the projected marriage between Don Carlos and Mary, 97—the correspondence between them, 99—projected interview, *ib.*—effect of the Huguenot war on the relations between them, 100—Sir James Melville's account of her, 101—proposes Leicester as husband to Queen Mary, *ib.*—sends Lady Lennox to the Tower, and refuses to intervene in Scotland, 115—communications between her and Mary, *ib.*—refuses to recognise Darnley, 124—her difficulties as regards the confederate lords, 129—her policy with regard to them, 130—danger of her position, 131—she publicly disavows the lords, 132—reports of her spies, 139—letter from Mary after Rizzio's murder, 157—her reception of the news of the birth of James VI., 160—letter to Queen Mary, 210—Queen Mary's communication of her marriage to Bothwell, 220—her feel-

ings with regard to the confederacy against the queen, 235—and with regard to Queen Mary's abdication, 295—instructions to her ambassador, 296 *et seq.*—effects of her interference, 300—fresh instructions, *ib.*—her views of divine right, 302—her anxiety to get James VI. into her charge, 307—fresh instructions to Throckmorton, 313—account to the French Court of her policy, 315 *et seq.*—contrast between her and her father, 317—her feeling on Queen Mary's escape, 370—ambassador sent to Mary, 372—letter from Mary after her landing in England, 380—Mary's appeals to her, 389—her demand for a personal interview, 390—its refusal, 392—her reception of Queen Mary's envoys, 395—Fleming refused a safe-conduct, 396—her views at this time, 397—envoy sent to Queen Mary and to Scotland, 399—her letter to Murray, 401—answer of Murray, 402—rejoinder of her ministers, 404—proposal of deputations from Murray and the queen, 405—urged to restore the queen, 407—the old claim of superiority, 410—offer made to Mary from her as to the mixed commission, *ib.*—appeal to her from the leaders of the queen's party, 414—the commission, *ib.*—her instructions regarding the crimes alleged against Mary, 419—her position, 420—the superiority question, 421—concealment of it from the Scots, *ib.*—her course as regards Mary, 425—letter from her commissioners on the casket letters, 427—answer as to the proof of the murder, 429—fresh instructions, 430—conference removed to London, 431—full assurance at last given to Murray by her, 439—her demeanour on the accusation of Mary, 441—refusal of a personal interview, 451—offers made to Mary as to her exculpation, 453—adherence to the divine-right dogma, 456—her true policy to support Murray, 457—terms of adjustment proposed, 458—these refused by Mary, 460—her anxiety for a second abdication, *ib.*—practical acknowledgment of James VI., 461—loan to Murray, 462—her demand regarding mutual hostilities, *v.* 2—the northern rebellion, 7—message to the Estates on Mary's restoration, 11—appeal from the queen's party to her after Murray's assassination, 20—State paper issued in reference to the Border raid, 22—her recommendation of Lennox as regent, 30—her acknowledgment of James VI. and the regency, *ib.*—her sympathy with Lealle, 96, 103—the negotiations for her marriage to Anjou, 97—mission of Morton to her, and his reception, 100 *et seq.*—her in-

- dignation at him, 102—her leniency to Leslie, 107—her right to the throne never admitted by Mary, 108—negotiation for surrender of Mary, 112—compelled to aid in the reduction of Edinburgh Castle, 119—her repugnance to subsidies, *ib.*—support given to Morton, 141—purchase of part of the Crown jewels of Scotland, 156—mission sent regarding Aubigné, 171—efforts to save Morton, 181—her tone toward James VI., 182—efforts to obtain possession of the casket letters, 198—pension offered to King James, 213—intercedes for the Ruthvens, 237—the plots against her on Mary's behalf, 242—extracts, &c., from Mary's letters to her, 244 *et seq.*—the charges of illiberality as regards Mary's maintenance, 249—anticipations as to foreign powers should Mary be executed, 252 *et seq.*—mission from James VI., 253—interview of the Scots ambassadors on behalf of Mary, 254—the death of Queen Mary a necessity, 256—her conduct with regard to it, 257—letter suggesting assassination, *ib.*—honours to Mary after her death, 259—her conduct regarding the marriage of James VI., 272—trial of David Black for an attack on her, 309—her congratulations on the Gowrie Conspiracy, 335, note—projects, &c., regarding the succession, 354 *et seq.*—her death, 358—her royal progresses, 361—her despotic notions fostered by the general subserviency, 391.
- Elizabeth of Bohemia, birth of, v. 304—her early life and character, 390.
- Ellesmere, Lord Chancellor, his decision on the case of the *postnati*, v. 411.
- Elliot, Gilbert, of Minto, vii. 269.
- Elliot of Park, Bothwell wounded by, iv. 177.
- Elphinston, Lord, one of the queen's party, iv. 377, note.
- Elphinstone, Bishop, foundation, &c., of Aberdeen University by, iii. 307—his parentage, 310, note—his foundation modelled on University of Paris, 404—the Breviary of Aberdeen printed at his expense, 425.
- Elphinstone, James, one of the Octavians, v. 299.
- "Engagement," the, between Charles I. and the Presbyterians, vi. 412.
- Engagers, proceedings of the Estates against them, vi. 414 *et seq.*
- Engelhaut, director of the National Museum at Copenhagen, i. 118, note—account of an ancient sea-boat by, 310, 311.
- England, the invasion of, by the Romans, i. 2 *et seq.*—introduction of Roman civilisation, &c., 3—supposed early acknowledgments of her superiority, 333, 336—the Norman Conquest, 351 *et seq.*—the Scots abbey, &c., modelled on hers, 418, note—her superiority recognised by treaty of Falaise, 448—claim resigned by Richard I., ii. 2—commission to settle the boundaries, 9—war and invasion, 1244, 17—growth of its constitution, 73 *et seq.*—contrasts with that of Scotland, 74—invaded by Balliol, 166—and by Wallace, 195, 196—truce with France, 203—invaded by Bruce, 261—incursions after Bannockburn, 272—invasions of, in the time of Bruce, 280—devastation of the northern counties, 281—truce, 282—change of policy, 288—invasion of Scotland, 289—disposition of the northern counties to alliance with Scotland, 297 *et seq.*—truce, 293—renewal of war, and invasion, 298 *et seq.*—treaty of Northampton, 303—renewal of war, 316—and of truce, and hostilities on the Borders, 349—truce again concluded but broken, 350 *et seq.*—invasion under Richard II., 353—terms of truce offered to James I., 404—attempt to intercept his daughter, 405—renewal of her claim, iii. 4—betrothal of princess to the Scots prince, 18—forces for invasion under James III., 24—alliance with Scotland and Spain, 56—hostilities with France, 72—renewed contests, 97—threatened invasion, 100—invasion of Scotland, 103—menacing position, 125—treaty during minority of James V., 135—invasion of Scotland by Northumberland, 153—peace, 155—strength of the national feeling against, 191 *et seq.*—alliance with, 202—renewal of war, 226—peace concluded with France and Scotland, 281—reception of Mary of Guise, 283—reception in Scotland of Protestant refugees from, 338—alliance proposed with, 349—destruction of monasteries, &c., in the invasions, 354—rejection of the civil law, 396—strength of Romanism, 1565, iv. 131—religious neglect of the native Irish, 348—Queen Mary's flight into, 375—Fleming refused a safe-conduct to France, 396—demands made on Denmark for surrender of Bothwell, 468—the northern rebellion, v. 7—effect of the murder of Murray, 13—appeal of the queen's party after the death of Murray, 20—invaded by the Borderers, 22—State paper issued in regard to this, 23—invasion of Scotland, 24 *et seq.*—its effect in consolidating parties there, 27—supports the king's party, 68—attempts to mediate between the parties, 71—Melville's views as to her aims, *ib.*—her real policy, 72—the league strengthened by the Massacre of St Bartholomew, 93—concord with France, 97—force sent for reduction

of Edinburgh Castle, 120—continued danger from Mary, 123—correspondence regarding the Raid of Redswire, 154—rumours regarding Aubigné, &c., 170—mission regarding him, 171—recall of the ambassador, 176—efforts to save Morton, 181—the spy system, 182—rumours sent by the spies, 183 *et seq.*—communications after Ruthven's fall, 212—flight of his party to, 214—embassy &c., on the execution of Gowrie, 223—danger from the Catholic league, 226—embassy to form alliance with Scotland, 227—proceedings with reference to murder of Lord Russell, 230—conclusion of league with, 239 *et seq.*—the Spanish Armada, 264 *et seq.*—accession of James VI., 358—his reception and progress, 359 *et seq.*—subserviency to Elizabeth continued to her successor, 391—effect of his accession, 394 *et seq.*—the Scots in, in his time, 395 *et seq.*—proclamation against their repairing to it, 400—the Union project, 401 *et seq.*—the party opposed to a liturgy, vi. 124—indifference to the religious disturbances in Scotland, 157—the feeling toward Scotland at the outbreak of the civil war, 294—state and feeling of the troops, 296 *et seq.*—extent to which the Parliamentary party were in alliance with the Scots, 298—measures under Cromwell for union, vii. 52 *et seq.*—free-trade, 54—proclamation of William and Mary in, 284—different character of the Revolution there and in Scotland, 300—dislike to legislative union with Scotland, 331—contests induced by the feudal and ecclesiastical claims of, viii. 2—first reception of the Darien scheme in, 26—incipient opposition to it, *ib.* *et seq.*—proceedings of the Commons against the English directors, 27—secession of its supporters there in consequence, 28—motives of the opposition to it, *ib.*—appeal from Spain against the Darien colonists, 48—the bankruptcy laws of, 70 *et seq.*—the question of equal trading privileges as a preliminary to the Union, 81—hostility of the Scots Parliament of 1703 against, 91—the influence of the Queensberry Plot in, 97—necessity for a union forced on, 101—last appearance of the superiority claim, 109—excise in, at the time of the Union, 121—land-tax, 123—finances, 124—effect of her conduct after the Union in strengthening the Jacobites, 243.

English, their skill in attack and defence of fortresses, v. 122.

English bishoprics, regulations of the union scheme regarding them, v. 404.

English chronicles, their value, iii. 411.

English Church, claims superiority over

the Scots, ii. 3—its liturgy founded on that of the Church of Rome, iv. 329—its reformation, vi. 50.

"English judges," the, under Cromwell, in Scotland, vii. 51.

English and Scots languages, the, iii. 421 *et seq.*

English law system, its antagonism to the Roman, ii. 61, note.

English marks in Scotland, the question connected with, viii. 171, note.

English Puritans, sumptuary laws adopted from them, v. 145.

English universities, their special character, iii. 404.

Entail Act, the, passed, vii. 281.

Eoch, Prince of Strathclyde, i. 280.

Eocha or Achais, King, i. 293.

Eochad, King of the Scots Dalriada, i. 290.

Episcopacy, use made of the Caldees in the controversy against, i. 402—Knox not opposed to, v. 75, 78, 80, and note—declaration of the Assembly in 1580 against it, 202—commencement of struggle, 205—abolished, 277—re-established, 314, 441—further Acts toward its establishment, vi. 44—its overthrow in 1638, 230 *et seq.*—confirmed in 1639, 272—restored under Charles II., vii. 145 *et seq.*—predominance in the north at the time of the Revolution, 419—steps toward its abolition, 421 *et seq.*—deprivation of clergy, 422—formally abolished, 425—adherence of the clergy to the banished family, 426—attempt for repeal of the Act tolerating it, viii. 386—Act for toleration of, 224—the oaths, 225.

Episcopal Church, its state down to the Revolution settlement as to liturgy, diocesan courts, &c., vii. 463—differences of principle between it and the Presbyterian, *ib.*—its want of a liturgy, viii. 218—difficulties with regard to bishops, 418—dissensions in it, 420 *et seq.*—"Concordates," 425—policy of Government toward it, 426—repressive measures after 1745, 427.

Episcopal clergy, their position in the west, vii. 319—their expulsion, 320—attempt of the Crown in 1692 to procure their admission into the Church and the Assembly, 450—answer of the Assembly, 452—statistics of those within the Church after the Revolution settlement, 464—numbers north of the Tay in 1710, 465—absence of ability among them at this time, 465—the address of, on the accession of Queen Anne, viii. 90—prosecutions of, 217—introduction of those from England, and their position, 218—introduction of the English liturgy, *ib.*—the nonjuring, 234—measures of repression after 1715, 338—Act regarding, in 1746, 504.

- Episcopalianism**, firmness with which it held its ground in the north, vii. 465.
- Episcopallans**, proceedings directed against them by the Assembly of 1690, vii. 440—resistance to these in the north, 441—their relations to the Presbyterian Church, &c., after the Revolution settlement, 458 *et seq.*—their predominance in the north, 460—Act for exclusion of the Nonconforming, 461.
- Equity courts of England**, the, iii. 335.
- "Equivalent,"** the, as fixed by the Union, viii. 125 *et seq.*, 133—the debate in the Scots Parliament on it, 168—its division, 188—irritation caused by delay in its transmission, 209.
- "Erastians,"** the, in the Westminster Assembly, vi. 388.
- Ere**, a leader of the Irish Scots, i. 204, 286.
- Erdeswick**, the Roman wall in his time, i. 25.
- Eric**, marriage of the Princess Margaret to, ii. 37—claims the Scots crown, 141—commissioners sent to Edward I., 47.
- Eric of Sweden** proposed as husband to Mary, iv. 98.
- Eric**, Trefut, i. 327.
- Eriakay**, landing of the Pretender at, viii. 434.
- Errol**, Lord, colleague with Angus, iii. 138.
- Errol**, Lord, signs the band for the queen, iv. 377, note—one of the signers of the Spanish blanks, v. 291—a Popish convert, 292—conforms to the Established Church, 295—his forfeiture revoked, 296.
- Errol**, Lord, viii. 199—in 1715, 259.
- Errol**, the Countess of, v. 303.
- Erskine**, Sir Alexander, guardian of James VI., v. 135—his hostility to Morton, 160—attempt to deprive him of the custody of the king, and death of his son, 163.
- Erskine**, Sir Alexander, his submission to Government in 1715, viii. 267.
- Erskine**, Arthur, iv. 145—aids the flight of the king and queen from Holyrood, 154.
- Erskine**, Ensign, shot after 1715, viii. 331.
- Erskine**, Rev. E., the leader of the Secession, viii. 402 *et seq.*—his character, &c., 404—visit of Whitfield, 413.
- Erskine**, James, during the Gowrie Conspiracy, v. 325.
- Erskine**, James, of Grange, address drawn up by, to George I., viii. 255—sketch of his character and career, 391 *et seq.*—the abduction of his wife, 393 *et seq.*—and attempt on Lady Mar, 394—his hypocrisy, &c., 395—his diary, 396—motion in the Assembly regarding Argyle, 345.
- Erskine of Dun**, one of the Commissioners to France on Queen Mary's marriage, iii. 289—a leader of the Reformers, 342—present at interview between Queen Mary and Knox, iv. 73—charged with defection, v. 233.
- Erskine**, Sir Thomas, aids in killing the Master of Ruthven, v. 324—during the conspiracy, 325.
- Espec**, Walter of, i. 438.
- Essé**, the Sieur d', French ambassador, iii. 277—the troops, &c., under him, 280.
- Essex**, the Earl of, a member of the commission on Queen Mary, iv. 414—correspondence of James VI. with, &c., v. 354—instructions to him regarding the Highlanders in Ulster, vi. 26.
- Estates of Parliament**, their measures on the death of Alexander III., ii. 43—their anxiety for marriage between the princess and the English prince, 48—their measures for the government, &c., of the country, *ib.*—meetings of, in Balliol's reign, 160 *et seq.* See Parliament.
- Ethelfrid**, defeat of Aidan, King of the Scots, by, i. 290.
- Etive**, Loch, vitrified fort at, i. 87.
- Eumanius**, notice of Scotland from, i. 42—of the Picts, 189, 199.
- Euphemia**, second wife of Robert II., ii. 345.
- Eure**, Sir Ralph, on the views of James V. regarding the Church, iii. 170—opposes invasion of Scotland, 210.
- Evans**, John, an authority on stone weapons, i. 119.
- Evers**, Sir Ralph, iii. 236—defeated and slain, 237.
- Eviot**, a page of the Earl of Gowrie's, v. 326.
- Exchequer Court**, establishment of, in Scotland, viii. 213.
- Excise**, proportion of, to be levied in Scotland, viii. 121—commissioners, their appointment in Scotland, and dissatisfaction caused by it, 208—duties, debates on them, 155.
- Excommunication or cursing**, power given to the Church by, iii. 317—example of one, 318—how it comes to be regarded, 322—Act of, 1690, the, vii. 435.
- "Extra-judicial testimony"** of the Seceders, the, viii. 408.
- "Extraordinary Lords,"** the, abolished, viii. 352.
- Eyemouth fort**, garrisoned by the French, iii. 287.
- Eylangrig**, fortified by Argyle, but taken, vii. 261.
- Eyncourt**, Sir William d', ii. 266.
- Fairfax**, General, joined by the Scots, vi. 360—at Marston Moor, 361.
- 'Faithful Contendings displayed,'** &c.,

- vil. 237, 275, notes—account of the position of the Cameronians from, 315, note—of the expulsion of the curates, 320, note—of the embodiment of the Cameronian Regiment, 323, 325, notes.  
 Fala Moor, the Scots army at, iii. 183.  
 Falaise, the treaty of, l. 447—its influence as regards Scotland, ii. 1—annulled by Richard I., 2.  
 Falconar, Bishop, viii. 419.  
 Falkirk, the battle of, ii. 200—smith and cutlery work at, viii. 35—the battle of, 1745, 481 *et seq.*  
 Falkland, recaptured by the Scots, ii. 324—castle, death of Rothesay in, 380—its architecture, iii. 435—attempt of Bothwell on James VI. at, v. 282—hunting-park formed by James VI. at, 368.  
 Farel, his system of government in Geneva, v. 142.  
 Farm stock, ancient laws regarding stealing of, ii. 69.  
 Farquharson of Invercauld, at Preston, viii. 307.  
 Farquharson of Inverey, a Jacobite leader, vii. 370.  
 Fast Castle, taken by the Scots, ii. 337—proposal of the Gowrie conspirators for James VI.'s imprisonment in, v. 348 *et seq. pass.*  
 Fasting, prevalence of, in the Irish Church, l. 244.  
 Fates or Norns of the Norse mythology, the, l. 227.  
 Feast of Asas, the, iv. 26.  
 Fenian legends, their origin, l. 176.  
 Fenwick, Colonel, one of the Union Commissioners, vii. 52.  
 Ferdinand and Isabella, embassy to James IV. from, iii. 51—their scheme for a Holy Catholic League, 53 *et seq.*—projects with regard to James IV., 54.  
 Fergus, King of Dalriada, l. 287.  
 Ferguson, David, on the state of the churches, iv. 354—on the condition of the clergy, v. 151.  
 Ferguson of Craigdarroch, forces raised by, in 1715, viii. 274.  
 Ferguson, R., the Plotter, his connection with the Assassination Plot and the Carolina scheme, vii. 245—his escape, 246—his pamphlets on Monmouth's legitimacy, and connection with the insurrection, 258 *et seq.*—pamphlet against the Government attributed to, 342—implicated in the Montgomery Plot, vii. 348—list of works by him, *ib.*, note.  
 Fergusson, James, his "Rude Stone Monuments," l. 102, 104, 138, notes.  
 Fernyhurst, destroyed by the English, v. 24.  
 Ferrara, the Prince of, proposed as husband to Mary, iv. 96, 98.  
 Fêtes des Foux, the, iv. 25.  
 Feudal investiture, long reticence of the forms of, l. 365, note.  
 Feudal system, its rise and organisation, l. 355 *et seq.*—early difficulties of the law of succession under it, 429—its establishment in Scotland, ii. 57 *et seq.*—character, &c., of oaths under it, 298 *et seq.*  
 Feudality, its influence as regards the monastic orders, l. 395—abolished under Cromwell, vii. 59 *et seq.*  
 Fian or Fingal, the traditionary, l. 177.  
 Ficaci, Papal legate, ii. 30.  
 Fife, the Earl of, one of the guardians on the death of Alexander III., murdered, ii. 42.  
 Fife, the Earl of, condemned by Edward III. for treason, ii. 330—raid into England, 368.  
 Fife, ravaged by Hertford, iii. 235—the French auxiliaries, 369—supremacy of the king's party, v. 68—a revival meeting, 300—enthusiasm for the Covenant, vi. 187—preparations of the Covenanters, 258—the Highland host, vii. 190—Episcopalian clergy in, after 1688, 464—prevalence of smuggling in, viii. 359.  
 Finances, details of, in connection with the Union, viii. 123.  
 Findlater, Lord, moves the dissolution of the Union, viii. 248.  
 Finella, or Fenella, murder of Kenneth III. by, l. 339.  
 Finlay, a Cameronian leader, viii. 159, 160.  
 Fisher, the author of the 'Marrow of Modern Divinity,' viii. 400.  
 Fisheries, their improvement taken up by the African Company, viii. 33, 34.  
 Fishwife's Cansey, the, l. 76, note.  
 Fitz Allan, Brian, appointed one of the guardians, ii. 135—instructions to him as to the Church, 208.  
 Fitz Allan or Allan the family name of the Stewards, ii. 344.  
 "Five Articles of Perth," the, vi. 47 *et seq.*—their terms, 51 *et seq.*—efforts of the Court to enforce them, 53 *et seq.*—opposition to them, 57—their repeal, 230.  
 Fixed bayonet, the, invented by Mackay, vii. 393.  
 Flanders, Count of, see Florence.  
 Fleming, Lord, ambassador to Albany, iii. 95—one of the "assured lords," 190—one of the party of the Hamiltons, iv. 312—joins Mary after her escape, 367, 377, note—accompanies the queen in her flight from Langside, 375—sent as her envoy to France, 387—his mission to England, and refusal of a passage to France, 396—his escape from Dumbarton, v. 35.  
 Fleming, Mary, appropriation of part of the Crown jewels by, v. 158.

- Fleming, Robert**, present at Drumclog, vii. 224.
- Flemings**, the alliance of Edward I. with, ii. 205.
- Fletcher, Andrew**, of Salton, as the leader of the "Patriotic Party," viii. 5—his previous career, personal appearance, &c., *ib.*, note—his advocacy of predial slavery, 6—picture of the condition of the lower classes, 8—his scheme regarding pauperism, 9—specimen of his style from 'The Right Regulation of Governments,' *ib.*—connection with Paterson, 15—the "Limitations" proposed by, 92—the Act for "The Security of the Kingdom," *ib.*—maintains the royal Assent to it to be unnecessary, 99—his party in the Union Parliament, 110—bill of Limitations and Securities brought in by, 113—motion against the Union, 114—on the Anti-union fast, 146, note—as an agricultural improver, 511.
- Flint**, special causes for its use in manufacture of weapons, i. 117.
- Flint**, bronze, and iron, ages of the northern Archaeologists, i. 125.
- Flint implements**, i. 81, 114 *et seq.*
- Flodden**, the battle of, iii. 76 *et seq.*—its effects on Scotland, 83.
- Florence**, Count of Flanders, a claimant of the crown, ii. 123, 127—the pleadings in his favour, 146.
- Florence of Worcester**, the Chronicle of, iii. 412.
- Florence**, its antiquity, i. 67.
- Foix, M. de**, reports to Catherine the projected meeting between Elizabeth and Mary, iv. 99—account of the position of Elizabeth in 1565, 131.
- Forbes**, the Master of, executed, iii. 168.
- Forbes**, the Master of, defeated and taken prisoner, v. 69.
- Forbes**, the Master of, joins Mackay, vii. 365.
- Forbes, William**, Bishop of Edinburgh, vi. 98.
- Forbes, John**, of Corse, vi. 234.
- Forbes, Patrick and John**, vii. 80.
- Forbes, Lord President**, on the execution of Captain Green, viii. 108—in 1715, 312, 313—opposes severe punishments after 1715, 331—appointed Lord Advocate, 347—opposes Haldane's elevation to the Bench, 351—proceedings urged regarding the Malt tax, &c., 357—investigation into the Porteous Mob, 363—opposes the bill brought in regarding it, 366—recommends the embodying of Highland regiments, 374—communicates the intended rising of 1745, 431—his efforts in the North during 1745, 470—his dealings with Lovat, 471 *et seq.*
- Forbeses**, the, as king's men, defeated by the Gordons, v. 69—join the Covenanters, vi. 236.
- Ford, Lady**, iii. 76.
- Ford Castle**, captured by James IV., iii. 76.
- Fordoun**, the Chronicle of, iii. 412, 414.
- Fordun**, early church at, i. 239.
- Forest laws of the Normans**, the, i. 433 *et seq.*—contrast between them in England and Scotland, ii. 74—recent trial in connection with them, 77, note—none in Scotland, iii. 396.
- Forestry**, grants of, ii. 74.
- Forfar**, the Earl of, killed at Sheriffmuir, viii. 320.
- Forfar Loch**, artificial island, &c., in, i. 89.
- Forfeited estates**, enactments of Parliament regarding, iii. 11—the commissioners of, viii. 348 *et seq.*—dealing with the, after 1745, 502.
- Forfeiture**, the Scots and English systems of, v. 420.
- Forged deeds**, &c., under the feudal system, i. 367, 368.
- Forman, Andrew**, ambassador to England and France, iii. 73—Archbishop of St Andrews, 90—vengeance on Lord Home, 91.
- Forres**, Roman coins found at, i. 58, note—pillar, its supposed origin, i. 143.
- Forster, Sir John**, warden, at the Raid of the Redeswire, v. 152—taken prisoner, 153—quarrel with the Kerrs, 229.
- Forster, Mr.** heads the English Jacobites in 1715, viii. 295, 301—the march to Preston, 301 *et seq.*—measures there, and his incapacity, 306 *et seq.*—escape of, 333.
- Fort Augustus**, constructed by General Wade, viii. 369—captured by the insurgents in 1745, 484.
- Fort Teviot**, the Pictish capital, ii. 52, 101.
- Fort William**, planned by General Mackay, vii. 393—attempt on, 1715, viii. 280—its garrison, &c., in 1745, 439—attacked by the rebels in 1745, 485.
- Forth**, the, called the Scots Water, ii. 51—and Clyde, the, chosen as the Roman boundary, i. 4—the rampart between these, *ib.*—Firth of, French invading force in it, 1707, viii. 204—its passage by the Jacobites in 1715, 285.
- Fortification**, the Norman and Vauban systems of, v. 123.
- Fortresses**, ancient, i. 84—early, their style, &c., ii. 106 *et seq.*—the attack and defence of, in the sixteenth century, v. 121.
- Fossour, John**, Prior of Durham, ii. 328.
- Fotheringhay**, removal of Queen Mary to, v. 251—her execution at, 259.
- Foulises**, the printers, viii. 553.
- Fountainbridge**, the abduction of Queen Mary by Bothwell at, iv. 216.



- Fourbin, Admiral, commands the force for descent on Scotland in 1707, viii. 203—in the Firth of Forth, and his flight, 204.
- Four Burghs, the Court of the, ii. 90.
- Fournier, determination by him of the authorship of poem ascribed to Mary, iv. 263, note.
- Fowlks, Brigadier, his flight from Prestonpans, viii. 457.
- Fox, George, the Quaker, vii. 272.
- Fox, John, information about events in Scotland in his Acts and Monuments, iii. 299 *et seq.*
- France, settlement of British troops in, i. 44—discoveries as to the age of man, 51—absorption of the Teutons among the Celts, 196—quarrel with Edward, ii. 163—traces of Wallace, 202—truce with England, 203—treaty with Robert Bruce, 296—the alliance with Scotland in the time of Edward III., 321—claims of the latter on it, 322—assistance sent against Edward III., 334 *et seq.*—renewal of league, 348—truce with England, and its extension to Scotland, 350 *et seq.*—aid sent under De Vienne, 352—position on the accession of James I., 398—renewed league, and betrothal of his daughter to the Dauphin, 404—treaty with the Earl of Douglas, 417—concentration of forfeited estates in the Crown, iii. 11—relations with, in the time of James III., 19—the reception of Perkin Warbeck, 45—efforts of Ferdinand and Isabella for alliance against, 53 *et seq.*—renewed alliance, 72—relations with Scotland after Flodden, 86 *et seq.*—difficulties with, on the murder of De la Bastie, 93—renewal of alliance, *ib.*—negotiations regarding Albany, 95—auxiliary force under Albany, 104—ambassador to the Beatonsons from, 130—how regarded in Scotland, 192—Henry's attempts to break the league, 201—resolution to adhere to it, 222—It formally renewed, 226—aid sent Scotland, 276—removal of Queen Mary to, 277—dislike of her interference, 285—views on the marriage of Mary, 290—death of Henry II., and changed tone towards Scotland, 292 *et seq.*—projects for annexation of the latter, 294 *et seq.*—treaty with England, 297—influence of the connection on the Reformation, 338—the Scots Universities modelled on hers, 404—departure of Mary, iv. 18—contrast between it and Scotland on the landing of Mary, 21—state in 1563 as affecting the policy of Mary, 68—the communication by Mary of her marriage to Bothwell, 229—relations with, after her abdication, 291—difficulties and obstacles in the way of intervention, 293—influence on the Scots Church, 340, 344—ambassador sent by Mary on her escape from Lochleven, 367, 368—probable reception of Mary after Langside, 378—her appeals for aid, 387—feeling excited by the murder of Murray, v. 18—supports the queen's party, 68—the massacre of St Bartholomew, 90 *et seq.*—concord with England in 1572, 97—feeling toward Mary, *ib.*—aid to Kirkcaldy intercepted, 118—state of the Court, 168—the Second Book of Discipline adapted from the Reformed Church of, 202—probable effect of Mary's death on, 252—cessation of the league on the accession of James VI., 394—negotiations of the Covenanters with, vi. 288 *et seq.*—intended colonization of Darien by, viii. 45—expectations of the Jacobites of assistance from, 141—threatened descent from, in 1708, 198, 203—and again, in 1715, 278—Jacobite negotiations with, 1742, *ib.*, 433—treaty with Charles Edward, and invasion, 473.
- Franchise, the early burgh, ii. 92—the, at the time of the Union, viii. 187.
- Francis I., relations with England and Scotland, iii. 86 *et seq.*—effects of his defeat and capture, 133—alliance with Henry VIII., 136.
- Francis, the Dauphin, marriage of Mary to, iii. 289—efforts to obtain the Crown Matrimonial for him, 291—succeeds to the French crown, 293—his death, and its effect, iv. 2.
- Francis, Signor, denounced as one of Darnley's murderers, iv. 196—pension to him, 203.
- Francisque, a secret adviser of Queen Mary's, iv. 112.
- Francis, name of, to whom applied, ii. 51.
- Frank, his account of Glasgow, vii. 112.
- Frankfurt Liturgy, the, its origin, *ib.*, iv. 330.
- Fraser, Bishop of St Andrews, ii. 43—letter from him to King Edward, 116.
- Fraser, Simon, surrenders to Edward I., ii. 224—executed, 245.
- Fraser, Major, in 1715, viii. 294, and note.
- Fraser of Beaufort, afterwards Lord Lovat, see Lovat.
- Fraser of Brae, in the Assembly of 1690, vii. 438—his works, 466.
- Fraser, origin and rise of the, ii. 17—desert Huntly, iv. 50—join the Covenanters, vi. 236—feud of, with Athole, vii. 414—join the Pretender in 1745, viii. 475.
- Frederick II. of Denmark, marriage of James VI. to his daughter, v. 273.
- Frederick Henry of Bohemia, childlike letter from, v. 390, note.
- Freeman, Edward I., 115.
- Free-trade with England established under Cromwell, vii. 54.
- French Paria, or Nicholas Hubert *see*



- of Darnley's murderers, iv., 187—his arrest and execution, v. 9.
- French architecture, partial imitations of, vii. 431, 434—refugees, influx of, 268.
- Frendraught, Lord and Lady, vi. 210, 211, 212.
- Frendraught, the tragedy of, vi. 209 *et seq.*
- Frigga, a Scandinavian deity, i. 222.
- Froissart, account of the Scots invasion of England by, ii. 298 *et seq.*—of battle of Neville's Cross, 328—of a Scots raid into England, 351—of the expedition of John de Vienne, 352 *et seq.*—of the battle of Otterburn, 362 *et seq.*
- Froude, sketch of John Hamilton, by him, v. 38, note—his opinion of Lady Lennox, 42, note—on her alleged vindication of Queen Mary, *ib.*—his account of the Romanist schemes of 1582, &c., 188, note.
- Fuller, Andrew, on the Millenary petition, v. 423, note.
- Fyvie, Lord, his account of Charles I. when a child, v. 389.
- Gadderer, Dr James, Bishop of Aberdeen, viii. 420 *et seq.*—his death, 425.
- Gaelic, translation of Knox's Liturgy, &c., into, iii. 426, iv. 349.
- Gairney Brig, first meeting of the Secession at, viii. 408.
- Galgacus, his defeat at the Mons Graupius, i. 6—the speech assigned by Tacitus to him, 8—identified by Boece with Corbed, 12.
- Galightly, Patrick, ii. 127.
- Galleys, the ancient, i. 306.
- Galloway, Patrick, v. 308—on the Earl of Gowrie, 336, note—his sermon on the Gowrie Conspiracy, 338—his character &c., 339, note—at the Hampton Court conference, 431.
- Galloway, the Bishop of, charges in the Assembly against him, v. 147—refuses to appear, *ib.*—under James VI., his pecuniary difficulties, 449 *et seq.*—formation of choir at Holyrood by, vi. 41—attack by the mob on, 165—and the Tables, 171.
- Galloway, bishopric founded, i. 442—its independence of Alexander II., ii. 11—slaughter and expulsion of the Normans, 15—the early special laws of, 61—adventure of Bruce in, 252.
- Galwegians, name of, to whom anciently applied, ii. 51.
- Game, laws regarding, iii. 397.
- Gamry, tradition of defeat of the Danes at, i. 341, note.
- Gardiner, Colonel, at the passage of the Forth, viii. 445—joins Cope before Prestonpans, 451, 453—his death there, 456.
- Garioch the district of, ii. 147 and note.
- Gauthier, Jules, his "Histoire de Marie Stuart," iv. 447.
- Geddes, Jenny, vi. 150, note.
- Genealogies, Highland, vi. 2.
- Genealogy, fulness of early Irish literature as regards, i. 298.
- General Assembly, justification of Knox by, iv. 77—discussion on his prayer for the queen, 78 *et seq.*—address to the queen, 89—meeting in relation to the queen's marriage, 117—Acts passed by it, 118—articles presented to the queen, and her answer, 119—protest against the re-establishment of the Consistorial Court, 220—of 1567, resolution adopted regarding endowment of the clergy, 324—first election of a Moderator, 326—of 1572, proceedings regarding Episcopacy, &c., v. 77 *et seq.*—letter from Knox, *ib.*—meeting regarding the massacre of St Bartholomew, 91 *et seq.*—urges league with England, 93—of 1574, collision with Morton, 143 *et seq.*—law regarding clerical clothing, 144—proceedings against the bishops, 147—discussions as to the lawfulness of their office, 148—measures to assist the Huguenots, 149—declaration in 1580 against Episcopacy, 201—Second Book of Discipline, 202—commencement of struggle against Episcopacy, 205—rebuke to James VI. and his queen, 305—report on the state of the country, *ib. et seq.*—regulations regarding the clergy, 306—deputation to the king, 308—at Perth, and its proceedings, 313 *et seq.*—Act appointing commissioners to Parliament, 315—of 1610, regulations regarding Episcopacy, 441—meeting in 1616 at Aberdeen, vi. 14—the Five Articles of Perth passed by it, 52—of 1616, Act regarding a liturgy, 115—in Glasgow, 1638, 222—its importance, 223—the lay members, 224—objections of the Episcopal party, *ib.*—proceedings of the Tables regarding the elections, 225—the officials, 227—the records of the Church, *ib. et seq.*—difficulty about the validity of the elections, 228—address of the commissioner, 229—his departure, *ib.*—admission of officers of State, 230—repeal of former Acts, repudiation of the Service-book, &c., *ib.*—trial of the bishops, 231—its dissolution, 233—of 1639, its meeting and proceedings, 271 *et seq.*—abolition of the Service-book, &c., 272—answer to the king's "Large Declaration," 275 *et seq.*—denunciation of its author, 278 *et seq.*—its Acts confirmed by Parliament, 287 *et seq.*—declarations against sectaries, and co-operation with the English Presbyterians, 351 *et seq.*—commissioners to Montrose after his capture, vii. 7—forcibly dismissed by

- Cromwell, 49—demand for it, 436—meeting in 1690, 437—appointment of Commissioner, *ib.*—arrangements as to meetings, mode of business, &c., 438—its dissolution, 439—dissatisfaction of the extreme party with it, *ib.*—proceedings against the Episcopalians, 440—postponement of its meetings by the Crown, 448, 449—the lists of that of 1692, 449 *et seq.*—interferences on the part of the Commissioner and the Government, 450—antagonism between them and the Crown, 452—measures as to the Episcopal clergy, *ib.*—dissolved, *ib.*, 453—a new one summoned by the Government, and the Oath of Assurance attempted to be enforced, 454—the King yields, 456—act for admission of conforming clergy, 457—first appointed in 1700, viii. 61—proceedings regarding the Union, 146 *et seq.*—proclaim a fast in 1710, 223—of 1712, the queen's letter to, after the Patronage Act, 232—parties in it, *ib.*—difficulties regarding the Oaths, 233—of 1715, loyal spirit of, 253—address to the king after 1715, 345—Act against smuggling, 359—resolution on grievances in 1717, 385—changes in its character and procedure, 397—rule against "Protestations," 401—Act regarding the *Jus devolutum*, 402—decision on the case of Ebenezer Erskine, 405
- General Councils, disregard of, in Scotland, iii. 332, and note.
- Geneva, state of the Church in, 1573, v. 142—Bible, in Scotland, vi. 107, 108—Liturgy, its history and introduction into the Scots Kirk, iv. 330.
- Geological formation of Scotland, i. 80 *et seq.*
- George I., proclamation of, viii. 250—interview of Rev. W. Mitchell with, 385, note.
- Germans, underground winter dwellings of the, i. 100.
- Germanus, traditional bishop, i. 391.
- Germany and the Germans, influence of the Roman conquests on, i. 300 *et seq.*
- Giants, Norse legends of the, i. 228, 229.
- Giant's Hill, the, Dunsinnane, i. 86.
- Gibbon, on Tacitus's Life of Agricola, i. 7.
- Gibbs, James, the architect, viii. 543.
- Gibson, Alexander, of Durie, the seizure and imprisonment of, vi. 17.
- Gight, Tower of, besieged by Montrose, vi. 249.
- Gildas, the fragments ascribed to, i. 180.
- Gilderoy, the robber-chief, vi. 212 and note.
- Gillespie, George, his writings, vii. 79—commissioner to the Westminster Assembly, vi. 381—his Dispute, &c., proclamation against, 165—his notes of debates, &c., in the Westminster Assembly, 379, note.
- Giraldus, on William the Lion, ii. 6.
- Gladstones, Archbishop, v. 446.
- Glamis, Lady, execution of, and death of her husband, iii. 169 *et seq.*
- Glamis, Lord, his death, v. 163.
- Glamis, the Master of, v. 186—retires to England, 216.
- Glamis Castle, ruins of, iii. 433.
- Glamorgan, Lord, negotiation with the Irish, vi. 347, note.
- Glanville, the *Regium Majestatem* compiled from his work, ii. 59.
- Glasgow, legends connected with its armorial bearings, i. 235—see of, early inquest by jury regarding, 392—bishopric founded by David I., 441—once subject to Rutherglen, ii. 94—creation of archbishopric, iii. 41—University, its foundation, 402—Cathedral, its architecture, 429—disturbances on the reading of Land's Service-book, vi. 153—the "Supplication" against the Service-book, 161—Cathedral, the meeting of the Assembly of 1638 in, 222—alleged intended destruction of it, *ib.*, note—trade, &c., under Cromwell, vii. 57—Brereton's account of it, 109—and Frank's, 110—subscription to the Darien scheme in, viii. 29—outbreak in, against the Union, 157 *et seq.*—outrage at, on the proclamation of George I., 252—loyalist demonstrations in 1715, 269, 272 *et seq.*—the Shawfield mob at, 354 *et seq.*—loyalty of, in 1745, 470—defensive preparations in 1745, 478—contributions levied in, 479 *et seq.*—progress of, 1688-1748, 507.
- Glasgow, the Archbishop of, excommunication of the Borderers by, iii. 147.
- Glasgow, the Archbishop of, arraigned before the Assembly, v. 147—excommunicated, 209.
- Glasgow, the Archbishop of, under James VI., his difficulties, v. 448—violence of Land to, vi. 92—the canons intended to be drawn up by him, 112.
- Glasgow, Lord, statement by, as to the sums alleged to have been paid to carry through the Union, viii. 181.
- Glass vessels, Roman, remains of, i. 57.
- Glassites or Sandemanians, the, viii. 417.
- Glencairn, Lord, one of the "assured lords," iii. 190—conference with Sadler, 201—joins the national party, 226, 227—aid brought by him to the Reformers at Perth, 356—joins the combination against the queen, iv. 123—restored to favour, 160—one of the Council of Regency, 279—nominated for the Regency, v. 89.
- Glencairn, the Earl of, one of the leaders of the Ruthven Raid, v. 189.
- Glencairn, Lord, his expedition to Scotland in favour of Charles II., vii. 69—

- replaced by Middleton, 68—duel with Monro, 69—again commands, and treaty with Monk, 72.
- Glencoe, the massacre of, circumstances which led to it, &c., vii. 399—the scene of it, 400—the massacre, 402 *et seq.*—effect produced by it, 406 *et seq.*—the Parliamentary inquiry into it, 409—the connection of the king with it, 410 *et seq.*
- Glendower, Owen, ii. 382.
- Glenfinnan, the gathering in, in 1745, viii. 438.
- Glenfruin, battle of, vi. 24.
- Glengarry, joins Glencairn for Charles II., vii. 68—at Killiecrankie, 380—in 1715, viii. 259.
- Glenkindy, earth-houses in, i. 98.
- Glenlivet, battle of, v. 294.
- Glenluce Abbey, acquisition of lands of, by Cassilis, iv. 38.
- Glennie on the Arthurian and Ossianic legends, i. 179, note.
- Glenorchy, Lord, in 1745, viii. 440.
- Glenshiel, the affair of, 1719, viii. 342.
- Glen Tilt case, the, ii. 76.
- Gloucester, the Duke of, iii. 28—his accession as Richard III., 29.
- Gloucester, the Duke of, son of Queen Anne, his death, viii. 62, 78.
- Godfathers, directions of the Book of Common Order regarding, iv. 338.
- Godly Songs, the, their origin, specimens of them, &c., iv. 351 *et seq.*
- Godolphin, views of, as to the necessity for a Union, viii. 101—displaced from office, 223.
- Gold, calling in of debased, and issuing of new, viii. 18.
- Gold ornaments, ancient, i. 121—presence of, in Scotland, iii. 444.
- Gomez, Jan, one of the captains of the Armada, v. 267.
- Goodall, on the Scots and Irish, i. 201, note.
- Goodwin, a member of the Westminster Assembly, vi. 388.
- Gordon, the Duke of, arrested for alleged complicity with Claverhouse, vii. 337.
- Gordon, the Duke of, holds Edinburgh Castle for James II., vii. 356—its siege, 357—Claverhouse's interview with him, 358—capitulates, 359—viii. 199.
- Gordon, the Duke of, measures against, 1714, viii. 252.
- Gordon, the Duchess of, the Jacobite medal presented to the Faculty of Advocates, viii. 243.
- Gordon, Adam de, envoy to the Pope, ii. 287.
- Gordon, Bishop of Galloway, one of the Council which directs Bothwell's trial, iv. 208—office of superintendent refused him, 328—his reasons for praying for the queen, v. 52—a member of the queen's Parliament, 64—Knox's pulpit occupied by him, 74—his position as titular bishop, *ib.*
- Gordon, Lady Catherine, her marriage to Perkin Warbeck, ii. 45.
- Gordon, Lady Jane, Bothwell's marriage to, iv. 138—her divorce from him, 218—her after-life, *ib.*, note—grounds of the divorce, 221 *et seq.*
- Gordon, George Lord, iv. 126.
- Gordon, Lord, son of Huntly, vi. 242.
- Gordon, Lord Lewis, adventure of, vi. 246 *et seq.*
- Gordon, James, on Laud's Canons, vi. 113.
- Gordon, Sir John, imprisoned, but escapes, iv. 49—one of Queen Mary's lovers *ib.*—his execution, 51.
- Gordon, Sir John, of Haddo, his execution, vi. 402.
- Gordon, Sir R., account of Arthur's Oon from, i. 52—of Camelon, 64, note—and of the Dail's Dyke, 90—on burial-urns, 107, note—on flint arrow-heads, 129, note.
- Gordon of Auchendoun, one of the signers of the Spanish blanks, v. 291—killed, 294.
- Gordon of Lochinvar, one of Mary's commissioners at York, iv. 415.
- Gordon, his account of the measures to secure signatures to the Covenant, vi. 187—of Huntly's allies, &c., 244, note—of the proceedings between Aboyne and Hamilton, 245, note—of the Raid of Stonehive, 250, 251.
- Gordon of Earlstoun, tortured, vii. 246.
- Gordon of Rothiemay, his sketch of Aberdeen, vii. 105.
- Gordon of Rothiemay, death of, vi. 209—death of Robert at Frendraught, 212.
- Gordon, General, at Sheriffmuir, viii. 315, 319, note—commands after the flight of Mar, 327.
- Gordon, Lord Lewis, joins the Pretender, viii. 459, 473, 474.
- Gordon of Glenbucket, during 1715, viii. 285, 325—in 1745, 438—forces brought by, 459.
- Gordons, their rise in the north, ii. 426—their progress under James IV., iii. 59—recovery of their power, iv. 114—defeats of the Forbeses and king's party by them, v. 69—their struggle with the Crichtons, vi. 209—evade joining Montrose, 369—in the rising of 1715, viii. 257.
- Gordon's 'History of the Earldom of Sutherland,' vi. 208, note.
- Gospatrik, Earl of Northumbria, i. 374, 575.
- Gothic architecture, its introduction, iii. 427 *et seq.*—art, absence of signs of, in the sculptured stones, i. 155—castles, remains of, ii. 98, 99.
- Gourlay, Robert, the case of, v. 279.
- Gowchrom, the, ii. 369.
- Gowrie, the Earl of, one of the leaders of the Ruthven Raid, v. 189—negotiations

- regarding the casket letters, 198—struggle between him and Arran, 218 *et seq.*—prepares to leave Scotland, 219—Arran's treachery toward him, 220—his answers to his accusers, *ib.* *et seq.*—his trial, 222—his execution, *ib.*
- Gowrie, the Earl of, his share in the Gowrie Conspiracy, v. 318 *et seq. pass.*—his death, 321, 325 *et seq.*—charges of sorcery against him, 335—notice of his life in Padua, 351—forfeiture of the family, 352.
- Gowrie, the Countess of, implacability of James VI. to her, v. 238.
- Gowrie Conspiracy, the, v. 316 *et seq.*—fulness of the evidence regarding it, 328—mystery connected with it, 333—suspicions excited against the king, 336—proofs against its being a plot to ruin the Ruthvens, *ib.*—recent works on it, 337, note—how it was regarded at the time, *ib.* *et seq.*—discoveries regarding it subsequently, 345 *et seq.*—Logan of Restalrig's letters on it, 346 *et seq.*—Sprot's revelations regarding it, his trial and execution, 416 *et seq.*
- Gowrie family, restored to their estates, v. 239.
- Gowrie House, description of, v. 318.
- Graham, David de, surrenders to Edward I., ii. 224.
- Graham, David, brother of Claverhouse, vii. 254.
- Graham, John, of Claverhouse, vii. 223—his defeat at Loudon Hill, 224 *et seq.*—his execution of John Brown, 251—his measures for quieting the west, *ib.* *et seq.*—his hostility to the Convention, 287—danger to which exposed, 288—his departure from Edinburgh, and interview with the governor of the castle, 289—preparations of the Estates against him, 297—parallel between him and Montrose, 359, 360—his management of the Highlanders, 360 *et seq.*—difficulties with the chiefs, 362—proceedings after leaving Edinburgh, *ib.*—summoned by the Convention, and his answer, 363—birth of his son, and after life of his widow, *ib.*, note—attempt to arrest him, 364—measures for raising the Highlanders, *ib.*—movements on both sides, 365 *et seq.*—raid into the Lowlands, 367—capture of Perth and attempt on Dundee, 368—surrender of Ruthven Castle, 369—dispersion of his Highlanders, 370—their reassembling, 371—his views at this time, 372—joined by the Athole men, 374—battle of Killiecrankie, 375 *et seq.*—his death, 382.
- Graham of Claverhouse, during the rising of 1715, viii. 263.
- Graham, Malise, deprived of the earldom of Strathearn, ii. 406—one of the conspirators against James I., 407.
- Graham, Sir Patrick, ii. 406.
- Graham, Sir Robert, leader of the conspiracy against James I., ii. 407—murder of the king, 409—his execution, 412.
- Graham, Robert, first Archbishop of St Andrews, iii. 16.
- Graham, the Master of, killed at Pinkie, iii. 271.
- Graham of Balgowan, his evidence on the Gowrie Conspiracy, v. 331.
- Graham of Glengyle, black mail contract of, viii. 377.
- Graham of Inchbrakie, joins Montrose, vi. 366.
- Grammar-schools, early, iii. 40.
- Grampians, the modern, not identical with the Mons Grampius, i. 14 *et seq.*
- Grange, Lord, see Erskine, James.
- Granger, Mrs, the Regalia saved from Cromwell by, vii. 142.
- Grant, James, of Carron, vi. 244, note.
- Grant, the Laird of, temporising policy between Mackay and Claverhouse, vii. 366—joins Mackay, 367.
- Grants and Camerons, feud between the, vii. 362—the, joins Charles Edward, viii. 453.
- Granville, Cardinal, an emissary of Queen Mary's, iv. 65—her correspondence with him on her marriage, 96.
- Gratian, a claimant for the empire in Britain, i. 47.
- "Graupius," the real reading for the Mons Grampius of Tacitus, i. 16.
- Gray, Patrick, the Master of Gray, his first appearance and character, v. 225—mission to England, and treachery to Mary, *ib.*—plotting against Arran, 229—measures for getting rid of Arran, 234—fall and flight of the latter, 236—sent on special mission on Mary's behalf, 253—interview with Elizabeth, 254—charges against him in connection with Mary, 262.
- Gray, Lord, at the Lauder Bridge affair, iii. 26.
- Gray, Sir T., list of Normans brought into Scotland from, ii. 14, note—notice of Sir William Marmion by, 265, note.
- Gray, the poet, on a sculptured stone at Meigle, i. 143, note.
- Great Britain, similarity of her policy to that of Rome, i. 354, note—early peculiarity of corporations in, ii. 83—proposed by James VI. as the name of the United Kingdom, v. 402.
- Great Roll of St Albans, the, ii. 121, note.
- Green, Captain, the case of, viii. 106—his execution, 107—his innocence subsequently proved, 108.
- Greenock, loyalty of, in 1715, viii. 274.
- Greenshields, an Episcopalian clergyman, the case of, viii. 221—it appealed to the English Lords, 222.
- Gregory the Great, King, i. 280, 331.

- Gregory the Great, Pope, alleged visits of St Kentigern and St Columba to, i. 253, and note.
- Gregory, Donald, iii. 58, note.
- Gregory, James, his invention of the reflecting telescope, vii. 98.
- Gregory, Professor David, the Test Act not enforced against him, vii. 448.
- Grey, Sir Thomas de, his account of his own times, ii. 184—his account of the interview between Bruce and Comyn, 239, and note.
- Grey, Sir Patrick, ii. 423, 425.
- Greyfriars' Church, Dumfries, slaughter of the Red Comyn in, ii. 239.
- Greyfriars' Churchyard, signing of the Covenant in, vi. 186.
- Greyfriars' Monastery, Perth, destroyed by the Reformers, ii. 351.
- Grierson of Lagg, vii. 254.
- Grig, called Gregory the Great, King, i. 280, 331—notice of the Church in connection with, 391.
- Groselles, French ambassador to James V., iii. 131, 132.
- Gruach, wife of Macbeth, i. 345, and note.
- Grub's 'Ecclesiastical History of Scotland,' i. 403, note.
- Guest, General, in 1715, viii. 324—defence of Edinburgh Castle in 1745, 460.
- Guild brethren, early laws regarding, ii. 93.
- Guises, the, their secret views, &c., on the marriage of Queen Mary, iii. 290, 291—their influence over the queen-mother, 348—reaction against them, iv. 68—the assassination of the duke, 69—their position and views, 91—project of marrying Queen Mary to Don Carlos, 92—their joy on the murder of Murray, v. 18—their murder by Henry III., 268.
- Gun, Colonel, vi. 249, and note—commands the Cavaliers of the north, and march southward, 250—his defeat at Stonehive, 251 *et seq.*
- Gustavus Adolphus, Scots soldiers in his service, vi. 218.
- Guthrie, James, vii. 79—his trial and execution, 153 *et seq.*
- Haarfagre, Harald, i. 325.
- Habeas Corpus Act, its equivalent in Scotland, viii. 73—suspended in 1715, 264.
- Hacket, Bishop, his account of James VI.'s opinion of Laud, vi. 60.
- Hackston of Rathillet, one of the murderers of Sharp, vii. 207, 210—his flight after the deed, 219—present at Drumclog, 224—at Bothwell Bridge, 233—heads the Cameronians at Airds Moss, 236—taken prisoner and executed, 237.
- Haco, his invasion of Scotland, ii. 32 *et seq.*—battle of Largs, 34—his death, 46—his betrayal of the chiefs who had invited him, 36—puts to death a woman claiming to be Margaret of Scotland, 113.
- Haddington, Lord, a leader of the Squadron, viii. 111—as an agricultural improver, 511.
- Haddington, early mention of, as a burgh, ii. 88—the church destroyed by Edward III., 335—recaptured from the English, iii. 276—meeting of the Estates, 46—the abbacy conferred on Bothwell, iv. 163—Episcopalian clergy in, after 1688, vii. 464—occupied by the Jacobites in 1715, viii. 287.
- Haddingtonshire, ravished by the English, iii. 153.
- Hadrian, construction of the Roman wall begun by, i. 21 *et seq.*—coins of, 26.
- Hagiologies, the earlier and later, i. 265.
- Haig, W., the Supplication of 1633 drawn up by, vi. 94.
- Hailes, Lord, on the Regiam Majestatem, ii. 59—on the genealogy of the Douglasses, 419, note—his Life of John Hamilton, v. 38, note—on Scots forfeitures, 420.
- Haliburton, Andrew, a Scots merchant, his mercantile transactions, iii. 438.
- Haldane, Patrick, opposition to his elevation to the bench, viii. 351.
- Haldane of Gleneagles, chairman of the African Company, viii. 60, note.
- Halidon Hill, battle of, ii. 317.
- Hall, Henry, a Covenanter, vii. 234.
- Hall, John, his conduct regarding the Gowrie Conspiracy, v. 339—discussion with the king on it, 340.
- Hall, account of James IV. at Flodden from, iii. 80, note.
- Hall of Haughhead, at Loudon Hill, vii. 224.
- Halton Chesters, the Roman Hunnum, i. 20, note.
- Hamburg, attempt to extend the Darien Company to, and opposition of the English, viii. 37.
- Hamilton, Archbishop of St Andrews, iii. 277—opposition to his brother's resignation, 283—the Catechism known by his name, 333—prosecuted for Romanism, iv. 64—arraigned by Parliament, v. 3—taken at Dumbarton Castle, and executed, 36—his previous career, and general hatred of him, 37.
- Hamilton, Archibald, his controversial works, vi. 8, and note.
- Hamilton, Arthur, of Bothwellhaugh, his trial and acquittal, v. 166.
- Hamilton, Lord Basil, refused reception with address on the Darien Company, viii. 59.
- Hamilton, Captain, action against, after Culloden, viii. 494.
- Hamilton, Lord Claud, arraigned by the Parliament of 1569, v. 2—a member of the queen's Parliament, 64.
- Hamilton, the Earl of, head of the pro

- visional regency after the queen's abdication, iv. 281—claims of the house to the succession, 282—assembly of his friends, *ib. et seq.*
- Hamilton, Gavin, one of Mary's Commissioners at York, iv. 415.
- Hamilton, General, accompanies Mar to Scotland, viii. 256.
- Hamilton, James, execution of, iii. 169.
- Hamilton, John, Abbot of Paisley, iii. 207.
- Hamilton, John, his character and career, v. 37, and note—the murderer of Brisson, 37—extracts from his book of prayers, vi. 5, and note.
- Hamilton, John and Claud, proceedings of Parliament under Morton against them, v. 166 *et seq.*—their flight and forfeiture, 167.
- Hamilton, Lord Advocate, on the opposition to the Five Articles, vi. 57.
- Hamilton, the Marquis of, the domain of Arbroath Abbey bestowed on him, v. 445—commissioner from Charles I., vi. 189—protests against the blockade of the castle, 191—compromise proposed, 193—demands the rescinding of the Covenant, *ib.*—his secret instructions betrayed, 195—proclamation, 196—his legal advisers, 198—vacillation of the Council, 199—returns to Court, 200—the secret instructions to him, *ib.*—his answer before the Assembly, 201—instructions of entire surrender, 202—Commissioner in the General Assembly of 1638, 224—parting address, &c., 228—his departure, *ib.*—evades order to assist the Gordons, 244—his proceedings approved by Laud and the king, 254—letters from the former, *ib.*—force under him sent into the Firth of Forth, 257—its condition, 258—proclamation, 259—connected with the "Incident," 334—his defeat at Preston, 414, 423—treaty of Utxeter, *ib.*—his trial and execution, vii. 2 *et seq.*
- Hamilton, the Duke of, President of the Convention Parliament, and his character, vii. 301—appointed Lord High Commissioner, 302—arbitrary proceedings in Parliament, and struggle with them, 332 *et seq.*—implicated in the Montgomery Plot, 347—succeeded as Commissioner by Lord Melville, 351—a subscriber to the Darien scheme, viii. 29—in the Parliament of 1702, 80—during the debates on the Union, 115—excluded from the Union commission, 117—his popularity during the Union debates, 142—speech against it, 150—countermands the intended rising of the Highlanders and Cameronians, 163—vacillation and treachery as to the protest against the Union, 175—his claim to the crown of Scotland as the explanation of his conduct, 176—his conduct as to the proposed rising in 1708, 200—his policy during the threatened French invasion, 204—debate on his English peerage, 247—his death, 249.
- Hamilton, Sir Patrick, killed, iii. 95.
- Hamilton, Patrick, the martyrdom of, iii. 141.
- Hamilton, Professor, Knox's quarrel with, v. 78.
- Hamilton, Robert, leader of the Covenanters at Loudon Hill, vii. 222—made commander-in-chief, 227—his character, *ib.*—his incompetence as leader, 232—the leader of the Cameronians, 317, 420, note.
- Hamilton, Sir Thomas, one of the Octavians, v. 299—arrest, &c., of Sprout by, 416—picture of the state of Scotland by him, vi. 15.
- Hamilton, Sir William, act of Church discipline toward, iv. 320.
- Hamilton of Bangour, joins the Pretender, viii. 460—the poems of, 547.
- Hamilton of Bothwellhaugh, undertakes the assassination of Murray, v. 12—the story that this was done from revenge, *ib. et seq.*—the assassination, 14 *et seq.*—excepted from truce of 1572, 73—arraigned by the Parliament of 1569, 3.
- Hamilton's Dragoons, at Prestonpans, viii. 453.
- Hamiltons, origin of their connection with the Crown, iii. 14—feud with the Douglasses, 89, 94—attempt of the French ambassador to open negotiations with them, iv. 293—their policy regarding Queen Mary, 304 *et seq.*—Throckmorton's negotiations with them, 312—their hostility to Murray, 358—join Mary after her escape, 367—uncertainty of their adherence, 369—Throckmorton on them, 370, note—hostile gathering of them, 223—their position as regards the succession, v. 2—their submission to Murray, 5—resolve on his assassination, 12—their appeal to Elizabeth after it, 20—the invasion of Sussex directed against them, 26—effects of the election of Lennox as regent on their pretensions, 32—their influence in the west, 68—their submission, 114—proceedings of Morton against them, 165—their estates conferred on Captain Stewart, 176—efforts to regain these, 234.
- "Hamilton Declaration" of the Covenanters, the, vii. 231.
- Hamilton Palace, Queen Mary at, after her escape, iv. 367—destroyed by the English, v. 26—taken by Morton, 167—occupied by the Covenanters, vi. 257.
- Hampton Court, meeting of the Council on Queen Mary at, iv. 432.
- Hampton Court conference, the, v. 422 *et seq.*—the authorised version of the Bible its work, 430.

Hanging, ancient laws regarding, ii. 69.  
Harcourt, Attorney-General, manoeuvre regarding the Union Act, viii. 195.  
Hardrada, Harald, i. 325.  
Hardy, Mr Duffus, on Doomsday-book, i. 352, note—his edition of the Chronicles, iii. 412, note.  
Hardyng, John, his connection with forged documents bearing on supremacy of England, iii. 6, note.  
Harington, Sir John, his account of pageants before King James VI., v. 364—character of the king, 376—account of the illegal execution of a criminal, &c., 392, note—on the Union scheme, 409, note.  
Harlaw, the battle of, ii. 387 *et seq.*—its real significance and results, 393.  
Harold, Earl of Orkney, ii. 11 *et seq.*  
Harold Harfager, influence of his conquests, i. 325—subjugation of the Orkneys and Shetlands by, 326.  
Harold of the Bloody Axe, i. 103.  
Harry the minstrel, his picture of Wallace, ii. 182—his account of the battle of Stirling, 191, note.  
Hartcla, Earl of Carlisle, negotiations with the Scots, ii. 291—his execution, 292.  
Hastings, Sir John de, a claimant of the Scots crown, ii. 127, 129, 132—his pleadings, 150.  
Hastings, the battle of, stone implements used at it, i. 115, note.  
Hatchets, ancient bronze, i. 120.  
Haughs of Cromdale, affair of the, vii. 391.  
Haversham, Lord, his speech on the "Act of Security," viii. 101.  
Hawick, destroyed by the English, v. 24.  
Hawley, General, commands in Scotland, viii. 478—his character, 480—defeat at Falkirk, 481—his cruelties, &c., after Culloden, 493, 494, note.  
Hawthornden, the caves at, i. 101.  
Hay, Colonel, accompanies Mar to Scotland, viii. 256.  
Hay, Father Edmond, v. 292.  
Hay, John, envoy to Elizabeth, iv. 116.  
Hay, John, a Jesuit father and controversialist, vi. 5.  
Hay, Sir John, excepted from indemnity of 1641, vi. 329.  
Hay, Lord Clerk-Register, vi. 171.  
Hay, Lord Doncaster, v. 398.  
Hay of Talla, one of the murderers of Darnley, iv. 188—executed, 357.  
Hays, the legend respecting their rise, i. 338, note.  
Hazelrig, slain by Wallace, ii. 183.  
Hearne, his edition of the Chronicles, iii. 412, note.  
Hebrides, their subjugation by the Norsemen, i. 306, ii. 27—ceded to Scotland, 37.

Hedenrig, defeat of Sir Robert Bowes at, iii. 182.  
"Helgate, the purpose of," referred to in the casket letters, iv. 256, 265.  
Hel, Hela, or Hell of the Norsemen, the, i. 224.  
Helgi, a Norse chief, i. 315.  
Hemingford, the Chronicle of, iii. 412—notice of Wallace in, ii. 196, 200, notes.  
Henderson, Andrew (the man in armour), his account of the Gowrie Conspiracy, v. 321 *et seq.*, 331 *et seq.*  
Henderson, Alexander, the revision of the Book of Common Order proposed to him, vi. 115—tried under proclamation regarding the Service-book, 155—one of the drawers-up of the demands of the Covenanters, 192—Moderator of Assembly of 1638, 227—commissioner to Aberdeen, 233—one of the commissioners to treat for peace, 267, 309—his popularity in London, 317—commissioner to the Westminster Assembly, 381—discussion with the king on Church government, and his death, 405 *et seq.*  
Henderson, John, one of Sharp's murderers, vii. 209.  
Hengest and Horsa, the tradition regarding, i. 169.  
Henrietta Maria, marriage of Charles I. to, vi. 74.  
Henry I., measures of, to secure the succession of his daughter, i. 429.  
Henry II., Romanism made supreme in Ireland under, i. 242—connection of Malcolm IV. with, 443—war with William the Lion, 446—the latter his prisoner, 46.—the treaty of Falaise, 447.  
Henry III., treaty with Alexander II., ii. 8—war with him, 17—treaty of Newcastle, 18—attempts to prevent the coronation of Alexander III., 22—marriage of the latter to his daughter, 24—interferences during Alexander's minority, 25—his attempts to establish supremacy over the Scots Church, 37—his death, 40.  
Henry IV., his demand of homage, ii. 375—invasion of Scotland, 376—joined by the Earl of March, 377—his conduct as regards the supposed Richard II., 383, 384—capture and detention of Prince James, 384.  
Henry V., at the battle of Shrewsbury, ii. 382—his treatment of James I., 397—his position in France, 398—his cruelty toward the Scots in France, 46.  
Henry VI., invasion of England in favour of, ii. 433—takes refuge in Scotland, iii. 2.  
Henry VII., his accession, and anxiety for peace, iii. 29—Ramsay and Buchan



- in his pay, 31—his policy on the accession of James IV., 38—proposal for matrimonial alliance, 39—pretenders set up against him, 43 *et seq.*—his account of Perkin Warbeck, 47, and note—renewal of truce, &c., 50—efforts of Spain to win him to the Catholic league, 53 *et seq.*—marriage of his daughter to James IV., 56—Darnley's descent from, *iv.* 106—his chapel, its architecture, *iii.* 431, 432, note.
- Henry VIII., his marriage to Catherine of Spain, *iii.* 54—commencement of difficulties with him, 66—quarrel, 72—treatment of the body of James IV., 78, note—demands the expulsion of Albany, 97—alliance against France, 98—on Lord Dacre's inroad, 104, note—anxiety for the "erection" of James V., 120—measures to bring it about, 121 *et seq.*—his satisfaction on its accomplishment, 124—alliance with Francis I., 136—reception of Angus, 141—instructions respecting the Borderers, 152—changed relations to Scotland after his marriage to Anne Boleyn, 158—efforts to bring about a meeting with James V., 161 *et seq.*—the reports of his spies, 173 *et seq.*—meeting arranged with James V., 178—evasion of the latter, *ib.*—secret designs on the Scots king, 179—declares war, 181—revives the superiority claim, *ib.*—invasion ordered, 182—views on the death of James V., 190—dealings with the Assured lords, *ib.*—policy recommended by George Douglas, 193—proposals to Arran, and their reception, 194 *et seq.*—treaty for the marriage of his son to Mary, &c., 202—acts of hostility, 208—his policy, *ib.*—conduct of the Assured lords, 209—report of committee on invasion, 210—his wrath against the Assured lords, 215—supported by Lennox, 219—discussion on the treaties, 220 *et seq.*—letter regarding the treatment of Sadler, 224—the treaties repudiated by Scotland, 226—declares war, 228 *et seq.*—the war now to be one of destruction, 232—instructions to Hertford, *ib.*—his traffickings with the Borderers, 237 *et seq.*—effect of the defeat at Ancrum on him, 240—second raid, 241—his efforts to get Beaton into his hands, 256 *et seq.*—account sent him of the plot for Beaton's death, 258—his death, 269—destruction of monasteries, &c., in his invasions, 354.
- Henry II. of France, his death, *iii.* 292.
- Henry III., his accession, *v.* 97—the murder of the Guises by, 268.
- Henry, Prince, son of David I., *i.* 435, 439, 440—his death, 441.
- Henry, Prince, son of James VI., birth of, *v.* 296—his character and extracts from his letters, 285 *et seq.*—his death, 388.
- Henry of Huntingdon on the Picts, *i.* 189.
- Henryson, the poems of, *iii.* 419.
- Hepburn, struggle with Forman for see of St Andrews, *iii.* 90.
- Hepburn of Hales, his connection with the widow of James I., *iv.* 175.
- Hepburn of Bolton, one of the murderers of Darnley, *iv.* 188—his execution, 357.
- Hepburn, Rev. John, leader of the Cameronians, *viii.* 162, 239—enforcement of discipline by, 388, note.
- Hepburn of Keith, death of his son in 1715, *viii.* 290.
- Hepburn, Patrick, excepted from truce of 1572, *v.* 73.
- Hepburns, the, engaged in the conspiracy against James III., *iii.* 32.
- Heraldry, state of, in the time of William the Lion, *i.* 445, and note.
- Hereditary jurisdictions, early, *ii.* 54—left untouched by the Union, *viii.* 134, 173—the system of, 516 *et seq.*—abolition of, after 1745, 503 *et seq.*—succession, want of, among the Irish Celts, *i.* 247.
- Heresy, first execution for, *ii.* 386—under James V., *iii.* 170—feeling with which these come to be regarded, 299 *et seq.*—the ecclesiastical process against it, 301 *et seq.*
- Heriot's Hospital, its architecture, *vii.* 103.
- Hermitage Castle, the ruins of, *ii.* 99, note—murder of Ramsay in, 325—retaken by the English, 330—Mary's visit to Bothwell at, *iv.* 176.
- Herodian, his account of the Caledonians, *i.* 30—notices the Britons painting themselves, 197.
- Herodotus, notice of stone weapons from, *i.* 116, note.
- Heron, Sir George, his death, *v.* 153.
- Herries, Lord, account in his *Memoirs* of Rizzio's murder, *iv.* 152, note—remonstrates against the marriage to Bothwell, 205—amnesty, 291—joins Mary after her escape, 367, 377, note—Throckmorton on him, 370, note—accompanies the queen in her flight, 375—his appeal to Elizabeth on behalf of Mary, 390, note—sent as Mary's ambassador to England, 395—his character and position, 397—tenor of his negotiations, *ib.*—proposal made to him for a mutual deputation, 405—refuses to agree to this, 406—proposal for her restoration, 407—close of his mission, *ib.* *et seq.*—his report to Mary of it, 408, 410—one of her commissioners at York, 415—recriminations between him and Lindsay, 456—arraigned by Parliament, *v.* 3—placed under restraint, 6—indemnity to, 127.



- Herries, Sir Hugh, aids in killing the Master of Ruthven, v. 324, 325.
- Herries of Terregles, slaughtered by Douglas, ii. 423.
- Herring fisheries of Scotland, legislation regarding them, viii. 34.
- Hertford, the Earl of, his account of the plot for the slaughter of Beaton, iii. 258 *et seq.*—the instructions for his expedition into Scotland, 232—his burning and slaying expedition, 233 *et seq.*—second raid, 240—composition of his force, *ib.*—capture and destruction of Kelso Abbey, 242—his account of the havoc wrought, 246 *et seq.*
- Hecker, imprisonment of Lady Grange in, viii. 393.
- Hewat, Peter, discussion with the king on the Gowrie Conspiracy, v. 341.
- Hexham, Roman stones in church at, i. 63, note—the monastery saved during the invasion by David I., 437—destroyed by the Scots, ii. 196.
- Heydon, Sir John, vi. 256.
- Heylyn on the illegality of the canons, vi. xxi.
- Hibbert, Dr, on the Tings of Orkney, i. 134, note.
- Higgins, Mr, on the Druids, i. 212, note.
- High Commission, the Court of, in Scotland, v. 441—its powers, &c., vii. 161 *et seq.*
- High Rochester, the Roman *Bremenium*, i. 20, note, 31.
- Highland bard, appearance of a, at the coronation of Alexander III., ii. 21—bards, penal enactment regarding, vi. 33—chiefs, the absence of their names from the Darien subscription lists, viii. 30—costume, the, its history, 527—host, its employment against the Covenanters, vii. 469—names, their derivations, i. 398, note—regiments, embodying of the, viii. 373 *et seq.*—warfare, ii. 391.
- Highlanders, their resistance to the feudal system, i. 361—fight between, on the Inch of Perth, ii. 369—intrigues of Edward IV. with, iii. 2—difficulties of dealing with them, 61—the feudal system unknown, 62—measures of James IV. for their subjugation, *ib.*—again in insurrection, 94—at the battle of Pinkie, 273—measures of the Reformers for their instruction, iv. 348—their peculiar position, vi. 21—contrast with the Lowlanders, *ib.*—their dislike to the sea, 25—their migrations into Ireland, *ib.*—their forces, &c., there, 27—their condition at this time, 29 *et seq.*—titles of their chiefs, and their genealogies, 31—their dread of cannon, 251—their mode of fighting, 363—the old form of warrants for their destruction, v. 411, note—their first dispersion after the defeat at Cromdale, vii. 393—their mode of fighting, 361—great accessions of, after Killiecrankie, 385—attempt to combine them and the Cameronians against the Union, viii. 162—their aversion in 1715 to entering England, 288, 289 *et seq.*—Act for the disarming of the, and its carrying out, 367 *et seq.*—new Act, 368—their peculiarities, 523—antagonism between them and the Lowlanders, 524 *et seq.*—their social state, *ib.*—history of their costume or garb, 527.
- Highlands, absorption of, Northmen among the Celts in, i. 196—prevalence of Norse superstitions, 233—the creel-houses, 249—settlements of Normans, ii. 16—their condition, &c., in Bruce's time, 248—their state, &c., before the battle of Harlaw, 387 *et seq.*—various leaders in the west, *ib.*—nominal submission to David II., 388—measures of James IV. for settling them, iii. 57 *et seq.*—clearances under Huntly, 63—their state under James V., and his measures to bring them under subjection, 147 *et seq.*—progress of James V. through them, 175—their early literature, 426—their forests, 447—their state, 1603-20, vi. 21—claim of their chiefs as regards Ireland, 34—Act passed in 1597 regarding them, 35—municipalities founded, 36—scheme for their plantation, 37—regulations, &c., regarding the chiefs, 1616, 38—their state after Claverhouse's insurrection, vii. 394—measures for their pacification, *ib.* *et seq.*—the oath of allegiance, 397 *et seq.*—adhesion of the chiefs, 399—the massacre of Glencoe, *ib.* *et seq.*—their state after the pacification, 412 *et seq.*—manufactures in the, 1695, viii. 35—suspicious movements in 1711-12, 245—and 1714, 251—the rising of 1715 in, 257 *et seq.*—the construction of military roads in, 369—rising of 1745, 435 *et seq.*—attempts to establish iron works in the, 526.
- Hill, Col., charges against Breadalbane by, vii. 398—MacDonald of Glencoe takes the oath to him, 401—efforts of on behalf of the MacDonalds, 412, note.
- Hill-fortresses, abundance of, in Scotland, i. 84.
- Hillmen, the, a name of the Cameronians, vii. 310.
- 'Hind let loose,' the vii. 274, note.
- Hindustan, attempts to derive the Norse mythology from, i. 231.
- Hoare, his classification of barrows, i. 110, 126, note.
- Hogarth, his March to Finchley, viii. 469.
- Hogg, Rev. James, on the Cameronians, vii. 314—views of, as to the settlement of the Church, 424, note—the 'Marrow' republished by, viii. 403.

- Holidays, proclamation for observance of, vi. 47.
- Holland, Lord, affair with the Covenanters, vi. 264—a party to the conferences for pacification, 267.
- Holland, John, founder of the Bank of Scotland, viii. 67.
- Holland, attempt of the Cameronians to obtain clergymen from, vii. 316.
- Holt, a Romish conspirator, v. 224.
- "Holy Roman Empire," the, its position to the Reformation, iii. 160.
- Holy or Black Rood of Scotland, its seizure by Edward I., ii. 175—its restoration, 305—again taken, 329.
- Holyrood Abbey, founded by David I., i. 442, ii. 175—destroyed by the English, 290—Church, destroyed by Somerset, iii. 274—changes in it by James VI., vi. 43 *et seq.*, 46—Romanism restored under James II., vii. 265.
- Holyrood Palace, Edward II. in, ii. 171—coronation of James II. at, 413—Queen Mary's first night in, iv. 20—its state at this time, 23—riot at, 75—state, &c., of, after Darnley's murder, 193—his burial in the chapel, 198—flight of the queen and Bothwell from, 234—attempts of the second Bothwell on James VI. at, v. 282—residence of Charles Edward at, viii. 451, 458 *et seq.*—the portraits in, 536.
- Home, Lord, execution of, iii. 91.
- Home, Lord, at the battle of Langside, iv. 373—a member of the queen's Parliament at Edinburgh, v. 64.
- Home, Lord, in 1745, viii. 478.
- Homes, the, engaged in conspiracy against James III. iii. 32—defeat of Bowes by, 182.
- Homildon Hill, battle of, ii. 379.
- Hommel, one of the favourites of James III., executed, iii. 27.
- Hondt, Peter van, or Canisius, his Catechisms, vi. 7.
- Honorius, abandonment of Britain by, i. 47.
- Hooka, Colonel, his mission from the exiled Stewarts, viii. 198 *et seq.*
- Hope, Sir Thomas, counsel for the Melville party on their trial, v. 435—his policy regarding the resumption of Church revenues, v. 79—and the Covenant, 183—on the side of the Covenanters, 198—his Diary, 199, note—proceedings against Montrose, &c., vi. 331.
- "Hopetoun Manuscript," the supposed copy of the "Book of Articles" in it, iv. 443, note.
- Hosack, Mr., on the policy of Elizabeth at the time of the abdication, iv. 302, note—his criticisms on the Hopetoun Manuscript, 443, note.
- House Steads, the Roman Borcovicus, i. 20, note.
- Howard, Sir Edward, iii. 71.
- Howard, Lord Henry, rumours regarding James VI.'s Papal dealings by, v. 353.
- Howard, Lord Thomas, iii. 71.
- Howard, Lord William, instructions to, regarding meeting between Henry VIII. and James V., iii. 161, note.
- Howel Dha, Welsh code attributed to, ii. 58.
- Howell, James, account of Parliament of 1640 by, vi. 280, note.
- Hubert, Nicholas, or French Parla, one of Darnley's murderers, iv. 187, 188—his arrest and execution, v. 9.
- Hugo, named Bishop of St Andrews, ii. 5, 6.
- Huguenot war, its effect on the relations between Elizabeth and Mary, iv. 100.
- Huguenots, policy of Catherine of Medici toward them, iv. 68—origin of the system of lay eldership with them, 323—their influence on the Scots Church, 340—measures of the Assembly for relief of the expatriated, v. 149—the Second Book of Discipline adapted from them, 202.
- Hume, Sir Alexander, Provost of Edinburgh, v. 311.
- Hume, Alexander, his poems, vii. 81, 82.
- Hume, George, iv. 119.
- Hume, Lord, attempt with Morton to seize the queen and Bothwell by him, iv. 234—defence of James VI. against Bothwell by, v. 283.
- Hume, Sir Patrick, his account of communications between Argyle and Monmouth, vii. 259—his escape and adventures, 261 *et seq.*—a refugee at the Court of William of Orange, 269—arranges the embodiment of the Cameronian regiment, 324.
- Hume Castle, captured by the English, v. 25.
- Hunnum, supposed modern name of, i. 20, note.
- Hunsdon, Lord, joined with Sussex in the invasion of Scotland, v. 24—conference with Arran regarding Gowrie's execution, 223—character of the Master of Gray by him, 225.
- Hunting, representations of, on the sculptured stones, i. 141.
- Hunting-parks, James VI.'s attempts to form, v. 368.
- Huntingdon, Lord, joined to the Council on the casket letters, iv. 445—meeting with Morton regarding the Raid of the Redswire, v. 154—force assembled under him on behalf of Morton, 181.
- Huntingdon, earldom of, acquired by David I., i. 426—confirmed to Malcolm VI., 444.
- Huntingtower Castle, iii. 434—seizure of James VI. at, v. 186.
- Huntly, progress of family under James IV., iii. 59.
- Huntly, the Earl of, ii. 426—struggle

- with Crawford, and death of his son, 427—defeats him, 428—clearances in the Highlands by, *iii.* 63—commander at Pinkie, 270—Lord Chancellor, 286—partially disgraced, *ib.*—heads the Romanist party, *iv.* 11—his predominance in the north, 48—his character and policy, *ib.* *et seq.*—deserted by the clans, 50—battle of Corrichie, his death, 51—conduct of the queen regarding him, 53—Knox on him, 52.
- Huntly, the Earl of, restoration of title, &c., *iv.* 126—marriage of his sister to Bothwell, *ib.*—in Holyrood during the murder of Rizzio, 147—his escape, 150—agrees to further the queen's divorce, 179—attends Mary to Seton after Darnley's murder, 198—one of the councillors who direct Bothwell's trial, 208—carried off by Bothwell, 217—amnesty to, 291—signs the band for the queen, 377, note—gathering under him, *v.* 2—march of Murray against him, and his submission, 6—commands at the attack on Stirling, 39—a member of the queen's Parliament, 64—his influence for the queen, 65—his submission, 114—leader against the Ruthvens, 200—heads the Popish party in the north, 286—charges against him, 288—authorised to proceed against Bothwell, 289—slaughter of the Earl of Murray, 290—the Spanish blanks signed by him, 291—Argyle employed against him, 293—defeat of the latter, 294—conforms to the Established Church, 295—his forfeiture revoked, 296—reconciliation between him and Argyle, 332—accused of harbouring Jesuits, &c., *vi.* 13—excommunicated, but the sentence reversed, *ib.*—the head of the Cavalier party, 206—his power in the north, 207 *et seq.*—his struggle with the Crichtons, 209—murder of his son, 210 *et seq.*—his death and character, 213.
- Huntly, George, Marquess of, appointed the king's lieutenant, *vi.* 215—attempt of the Covenanters to gain him, and his answer, 216 *et seq.*—foiled in attempt at Turrieff, 236—his commission, 237—his submission, 240—his treacherous seizure, 241 *et seq.*—character of the organisation under him, 242—evades joining Montrose, 369—his trial and execution, *vii.* 3.
- Huntly, the Marquis of, in 1715, *viii.* 259.
- Hurry, see Urry.
- Huxley, Professor, on the inferences as to race from burial, *i.* 113.
- Hy, or Iona, see Iona.
- Hyginus, his account of the Roman camp, *i.* 73.
- Hy-Ivar, the Norse dynasty of, *i.* 329.
- Hy Nyal, the Irish Race of, *i.* 289.
- Hypocausts, Roman, *i.* 55.
- Iceland, peopling of, by the Norsemen, *i.* 232, note, 303.
- Ilay, Lord, *viii.* 248, 250—promotion of, 346—opposes the Forfeited Estates Commission, 350—proceedings in connection with the Malt Tax, &c., 357, 358.
- Illegitimacy, views regarding it in the Highlands, *vi.* 34.
- Inchcolm, Monastery of, *i.* 424.
- Inchkeith, the captain of, his Diary, *iv.* 239, 248, note.
- Inchmahome, Queen Mary's residence at, *iii.* 275.
- Incident, the, its history, *vi.* 334 *et seq.*
- Inclosures, opposition to, in 1725, *viii.* 512.
- Incontinence, enforcement of Church discipline against, *iv.* 321.
- Incarnation, heathen practice of, and narrative of an instance, *i.* 109.
- Indemnity, Act of, after 1715, *vii.* 337—proclaimed in 1746, 504.
- Independents, the, in England, *vi.* 124—their views and influence, 387.
- India, proposed extension of the commerce of the African Company to, *viii.* 38.
- Indulf, King, his death, *i.* 338.
- Indulgence, the, under Charles II., *vii.* 177—accepted by the moderate of the clergy, 178—opposition of the violent, 187—new, in 1688, 267—claim of absolute prerogative in it, 268—animosity of the Cameronians against it, 312.
- Innerluchty or Fort William, once the Scots capital, *ii.* 52.
- Innes, Father, on the origin of the name Picta, *i.* 200, note—*viii.* 255.
- Innes, Cosmo, notices of formations of parishes from, *i.* 417, note—on the thanedoms in the north, *ii.* 56—on the Regiam Majestatem, 60, note—on the architecture of Kelso Abbey, 105, note—on early agriculture, &c., 107, note.
- Innocent III., Pope, *ii.* 11.
- Innocent IV., refuses to interfere with the coronation of Alexander III., *ii.* 22—upholds the independence of the Scots Church, 37.
- Inquests by jury, their value in connection with the early Church, *i.* 392.
- 'Institution of a Prince,' work so called by Queen Mary, *iv.* 263, and note.
- Insurrection of 1715, the gathering at Braemar, *viii.* 257 *et seq.*—raising of the standard, 260—proclamation of James VIII. 263—government preparations, *ib.*—proceedings in Parliament, 265—the southern expedition and rising, 285 *et seq.*—the rising in England, 295 *et seq.*—the capitulation at Preston, 307 *et seq.*—the war in Scotland, 313 *et seq.*—arrival of the Prince, his character, &c., 321 *et seq.*—close of the insurrec-

- tion, 327 *et seq.*—trials and punishments, 330 *et seq.*
- Insurrection of 1745, the, viii. 435—the capture of Edinburgh, 449 *et seq.*—battle of Prestonpans, 452 *et seq.*—the march to Derby, 465 *et seq.*—preparations of Government, 469—the retreat from Derby, 475—battle of Falkirk, 481—and of Culloden, 487 *et seq.*—trials and punishments, 496 *et seq.*
- Intaglios, old, their employment in ecclesiastical seals, i. 49.
- Intercommuning, the Act regarding, vii. 187.
- International law, origin of the present system of, ii. 206.
- Inverary, Mar's instruction regarding attack on, viii. 261, 262.
- Invercharron, overthrow of Montrose at, vii. 5.
- Inveresk, the Roman remains at, i. 55, 62.
- Inverey Tower, destruction of, vii. 370, 372.
- Invergarry, attempt to establish iron-works at, viii. 526.
- Inverlochry Castle, iii. 60—battle of, vi. 370.
- Inverness, the Pictish capital, ii. 52—Castle, iii. 57, note—its erection by Huntly, 60—captured by Murray, iv. 50—strength of the Covenanters in, vi. 205—fortress erected by Cromwell at, vii. 74—captured by Claverhouse, 366—occupied by Mackay, 367—Episcopalian clergymen in, after 1688, 465—James VIII. proclaimed, and the Castle seized, viii. 263—captured by the Royalists, 313—fort constructed by General Wade at, 360.
- Inverury, victory of Bruce at, ii. 255—skirmish at, 1745, viii. 475.
- Investiture, feudal, relic of forms of, i. 365, note.
- Iona, the sculptured stones at, i. 152—settlement of St Columba in, 248—the early buildings there, *ib. et seq.*—missions to Northumbria, 268 *et seq.*—the community brought to conformity with Roman usage, 274—religious houses, &c., planted from it, 275—its sufferings from the Norsemen, 276—its gradual decay, *ib.*
- Ireland, a Scotsman, sent as ambassador to James III, iii. 22.
- Ireland, views of Agricola on, i. 4—Chinese seals found in, 49, note—the Cranoges of, 89—the sculptured crosses and stones, 159—supposed connection of the Ossianic poems with, 177—anciently called Scotia and the natives Scots, 201—early state of the Church in, 202—peculiarities of early Christianity, 240—the Scots Dalriada freed from subjection to, 289—their invasion of it, and defeat, 290—peculiarities of the early Celtic civilization in, 294—
- Norse kingdom and dynasty, 329—the round towers of, ii. 103—invaded by the Bruces, 274—its state under the Normans, *ib.*—rumours regarding James V. and, iii. 174—migrations of the Highlanders into, vi. 25—their settlements, &c., there, 26 *et seq.*—early connection between it and the Highlands, 304—migration of Scots colonists into, vi. 71—the great rebellion, 339 *et seq.*—the native population, and their treatment, 341—the Scots auxiliary force in, 349—the horrors of the rebellion, 352—alarm of intended invasion from, vii. 321 *et seq.*
- Irish, the, first called Scots, i. 203—native, introduced into army of Henry III., ii. 18—employed in Henry VIII.'s raid, iii. 241—religious neglect of them by the English Government, iv. 348.
- Irish chronicles, notices of Strathclyde in, i. 279.
- Irish Church, the early, i. 240—its antagonism to Rome, 241—its subjugation by the Anglo-Normans, 242—character of its monasticism, *ib.*—number and position of bishops in it, 252—its time of observing Easter, 268—Dr Ebrard on it, 404, note.
- Irish language, the, its early character, and spread into Scotland, i. 206.
- Irish Psalters, ancient, their bindings, &c., i. 160—those in Monastery of St. Gall, 161.
- Iron, worked in Scotland, iii. 446.
- Irvine, Sir Alexander, killed at Harlaw, ii. 394.
- Irvine, Rev. William, a Nonjuror, viii. 296, note.
- Irvine, Bishop, viii. 419.
- Irvine, supposed remains of Norman castle in, ii. 98, note—surrender of Bruce, Douglas, &c., at, 187—Brereton's sketch of, vii. 108.
- Irving, Dr., his 'History of Scottish Poetry,' iii. 419, note.
- Isabella of Spain, her death, and relations with Queen Mary, iv. 379.
- Isidorus on the Picts, i. 198, note.
- Isla, John of, rebellion and fate of, iii. 58, note.
- Isla, battle between the Highlanders and Lowlanders on the, ii. 391.
- Isles, the Bishop of the, his difficulties, v. 456—his plantation scheme, vi. 37, 38.
- Iales, lordship of, forfeited under James IV., iii. 63—its actual abolition, 65.
- Isobel, daughter of Earl David, descent of Bruce from, ii. 129.
- 'Itinerary of Antoninus,' the, i. 59.
- Ivar, invasion of Scotland by, i. 332.
- Jacobins, the adherents of James II first called, vii. 334, note.

Jacobite Plot, supposed, 1689, vii. 343 *et seq.*

Jacobite refugees, the, their after history in France, &c., vii. 393.

Jacobites, position taken up by them on the Union question, viii. 115—their activity against the Union, 137—their hopes of aid from France, 141—expected outbreak, 157—projected union with the Covenanters, 162 *et seq.*—support the Ecclesiastical Act of Security, 167—generally hold back from the proposed rising in 1708, 199—their position and hopes on the threatened French descent in 1708, 204—their position, &c., in 1711, 242—friends in the ministry, 243—effect of the conduct of England in strengthening them, *ib.*—the medal presented to the Faculty of Advocates, *ib.*—movements in the Highlands, 245—threatening indications on the accession of George I., 251—arrest, &c., of leaders, 252—the rising of 1715 in the North, 257 *et seq.*—and in the South, 285 *et seq.*—and in England, 95 *et seq.*—manifesto at Kelso, 297—their uncertain councils, 299—march to England, 301—capture Penrith, 302—the march to Preston, 303 *et seq.*—the capitulation there, 307 *et seq.*—the battle of Sheriffmuir, 316 *et seq.*—close of the insurrection, 327—trials and punishments, 330 *et seq.*—renewed attempt in 1719, 340 *et seq.*—foster the resistance to the Malt-tax, 353—insidious measures against the Church, 386—negotiations with France, 1742, 433—the insurrection of 1745, 435 *et seq.*

Jaffery, one of the commissioners to Charles II., vii. 9.

Jamaica, arrival and reception of fugitives from Darien at, viii. 52.

James, Prince, capture by Henry IV., ii. 384—acknowledged as James I. on his father's death, 385—his position in England, 396—his marriage, 397—his return to Scotland, *ib.*—state of the country, 398—changes which date from his return, 399—revision of laws, *ib.*—survey of property, 400—in Parliament, 401—execution of Albany, &c., *ib.*—measures for the subjugation of the Highlands, 402 *et seq.*—martyrdom of Crawar, 404—birth and betrothal of his daughter, *ib.*—conspiracy against him, 405 *et seq.*—his murder, 408 *et seq.*—execution of his murderers, 411 *et seq.*—his poems, iii. 419—an ancestor of Bothwell's a suitor of his widow, iv. 175.

James II., coronation of, at Holyrood, iv. 413—struggle for possession of his person, 414 *et seq.*—execution of the Douglasses, 415—married to Mary of Gueldres, 422—disgrace of the Living-

stones, 424—slaughter of Douglas, 425—struggle with them, 426, *et seq.*—submission of Crawford, 428—continued struggle with Douglas, *ib.*—invasion of England, 433—his death before Roxburgh Castle, 435.

James III., accession of, iii. 1—government during his minority, 2 *et seq.*—married to Margaret of Denmark, 8—fall of the Boyds, 12—forfeiture of the Lord of the Isles, 14—betrothal of his son to the English Princess, 18—preparations to aid France, 19—his personal character, *ib.*—treatment of his brothers, 20—force mustered against England, and march to Lauder, 23—his favourites, 24—their execution, 27 *et seq.*—removed to Edinburgh, 28—reconciled to his brother Albany, and liberated, *ib.*—alleged treaty with England, and confederacy against him, 30—preparations against the confederates, 32—affair of Sauchie Burn, 33—his murder, 34—investigation into it, 38.

James, Prince, afterwards James IV., betrothed to an English Princess, iii. 18—his accession, 35—plot of Henry VII. for his seizure, 39—arrangements with the Papal Court, *ib.* *et seq.*—his leniency to the Lollards, 43—reception, &c., of Perkin Warbeck, *ib.* *et seq.*—expedition in favour of the latter, 48—project for matrimonial alliance with Spain, 54—affianced to Margaret of England, 56—alliance with England and Spain, *ib.*—his marriage, *ib.*—measures for settling the Highlands, 57 *et seq.*—forfeiture of the lordship of the Isles, 63—state of the Borders, 66—large ship built, 67—naval exploits in his reign, 68 *et seq.*—quarrel with England, 72—preparations to invade England, 73 *et seq.*—first successes, 75—battle of Flodden, and his death there, 76 *et seq.*—his character, 80—his patronage of Chepman the printer, 424—gold workings under, 445.

James V., regency during his minority, iii. 87—surrendered by his mother to Parliament, 89—proposal for marrying him to Mary of England, 111—his mother's account of him, 119—his "erection," *ib.* *et seq.*—accounts of him by the English ambassadors, 128—his seizure by Angus, 138—his escape, 139—siege of Tantallon, *ib.*—his animosity to Angus, 141—struggle with him, *ib.*—proceedings against the Borderers, 142—execution of the Armstrongs, 144—effect of these measures, 146—measures with regard to the Highlands, 147 *et seq.*—measures against the aristocratic houses, 150—assistance given to the Irish, 155—peace with England, *ib.*—position of

the kingdom under him toward the European States, 157—his dependence on the priesthood, 158—anxiety for his alliance, *ib.*—claims the English crown, 160—efforts of Henry VIII. to bring about a meeting with him, 161—his evasion of these, 163—projects for his marriage, *ib.*—journey to France, 164—marriage to Magdalen of France, and her death, 166 *et seq.*—offers of allegiance from England, *ib.*—marriage to Mary of Guise, 168—executions for conspiracies, *ib. et seq.*—and for heresy, 170—his views regarding the Church, *ib.*—reports of the English spies, 173—his fleet, 174—birth of a son, and voyage round Scotland, 175—birth of a second son, 176—death of his two sons, *ib.*—his conduct towards the nobility, and their alienation, 177—agrees to meeting with Henry at York, but fails, 178 *et seq.*—war declared by Henry VIII., 181—refusal of the nobility to advance at Fala Moor, 188—affair of Solway Moss, birth of his daughter, and his death, *ib.*—his character, 184 *et seq.*—the state of the Church, 308—his poems, 419.

James VI., birth of, *iv.* 160—his baptism, 181—visit of the queen to him, 215—measures of the confederate lords for his security, 236—supposed destruction of the casket letters by him, 253—commencement of his reign, 279—his coronation, 285—the oath taken in his name, *ib.*—acknowledged by the English Government, 461, *v.* 30—at the Parliament of 1571, 39—strength of his party, 68 *et seq.*—his infancy and childhood, 134—his guardians and tutors, 135 *et seq.*—his awe of Buchanan, 136—his early acquirements, 137—Buchanan's work on the constitution intended for his guidance, 138—his hatred of it, 140—Morton's resignation of the regency, 161—Council of Regency, 162—struggle for possession of his person, 163 *et seq.*—Esmé Stewart becomes his favourite, 169—honours conferred on him, *ib. et seq.*—body-guard under Lennox, 171—mission from Elizabeth regarding the latter, *ib.*—fall and execution of Morton, 178 *et seq.*—tone of Elizabeth toward him, 182—plot for his confinement in Doune, 185—the Raid of Ruthven, 186—his position after it, *ib.*—his title disallowed by the Papal powers, 187—his early character, and conferences of Bowes with him, 193—addressed as king by the French Ambassador, 195—the association project, *ib. et seq.*—reports to England regarding him, 199—overthrow of the Ruthvens, 200—signs the Second Confession, 208—his proceedings after Ruthven's fall, 212—

communications with England, *ib. et seq.*—pension offered by the latter, 213—renewed attempt of the Ruthvens, 214—Melville cited before him, 215—visit to Ruthven Castle, 218—Arran's supremacy over him, *ib.*—trial and execution of Ruthven, 220 *et seq.*—his favourite the Master of Gray, 225—his personal appearance, *ib.*—alliance with England, 227 *et seq.*—fall of Arran, return of the banished lords, 236 *et seq.*—anticipations in England as to his conduct should Mary be executed, 252—mission from him regarding it, 253 *et seq.*—collision with the clergy regarding prayers for her, 261—his understanding with England as regards the Armada, 264—his majority, 269—device to reconcile the feudal houses, *ib.*—Act of Revocation, 270—marriage projects, 271—views toward Denmark, 272—his journey thither, and reasons for it, 274—his marriage, 275—establishment of Presbytery, 277 *et seq.*—disputes with the clergy, 279 *et seq.*—Bothwell's first attempt on him, 281—further attempts of Bothwell, 282 *et seq.*—message to and from the clergy, 284—attempt to establish a royal guard, *ib.*—his suspected dealings with Papal agents, 286 and note—his policy in this, 288—proceedings toward the Popish lords, *ib.*—difficulties on the slaughter of the Earl of Murray, 290 *et seq.*—the Spanish blanks, 291 *et seq.*—proceedings against the Popish lords, 293, 294—birth of a son, 296—his conduct to Adamson, 298—state of Government finances, &c., *ib.*—the Octavians, 299—urged to severity against the Popish lords, 303—birth of his daughter, and proceedings regarding her baptism, 304—again in collision with Melville, 307—deputation from the Assembly to him, 308—violence of Melville, *ib. et seq.*—Black cited before him for attack on Queen Elizabeth, 309—religious disturbances, 310—retires to Linlithgow, 311—returns to Edinburgh, 312—Assembly summoned at Perth, 313—Episcopacy re-established, 315—attack on his 'Basilikon Doron,' *ib.*—the Gowrie Conspiracy, 316 *et seq.*—his own narrative, 321—his danger from the citizens of Perth, 326 *et seq.*—his return and reception at Leith, 337—sermon before him, 338—discussions with the clergy on the conspiracy, 340 *et seq.*—his resentment against the family, 344—subsequent discoveries regarding the conspiracy, 345 *et seq.*—birth of Prince Charles, 353—rumours of his Papal dealings, *ib.*—letter to the Pope, *ib.*—measures regarding the English succession, 354 *et seq.*—death of Queen Elizabeth, and his accession, 358—his



- progress through England, 359 *et seq.*—gifts from corporations, &c., 366—his passion for hunting, 368—his reception at Theobalds, 369—his personal appearance, character, &c., 371 *et seq.*—contrast between him and his mother, 372 *et seq.*—his vices, 373—sketch of him by Weldon, 374 *et seq.*—his pacific disposition and timidity, 377—sketch of his queen, 379 *et seq.*—and of his children, 385 *et seq.*—the 'Basilikon Doron,' 387—his absolutism fostered by English subserviency, 391—illegal execution of a criminal, 392—effect of his accession to the English crown, 394 *et seq.*—promotion of Scotsmen by him, 397 *et seq.*—the Union project, 401 *et seq.*—his proposal of the name Great Britain, 402—letter on the Union project, 405—repeal of Border laws, 410—the case of the *postnati*, 411 *et seq.*—appointment of Lord High Commissioner, 415 *et seq.*—at the Hampton Court conference, 424 *et seq.*—his attacks on the High Presbyterian party there, 425—answer to Reynolds's proposals, 427—anxiety regarding the acknowledgment of his supremacy, 428, 429, note—the authorised version of the Bible, 431—proceedings against the High Presbyterian party, 433 *et seq.*—interviews with Melville, &c., 437—his scheme for winning them over, *ib.*—restoration of Episcopacy, 441 *et seq.*—robes for the bishops, 442—"riding of the Parliament," 443—position of the Romanists, 460—the case of Ogilvie, the Jesuit, vi. 9 *et seq.*—repression of disorders, 15—state of the Highlands, 21—settlement of the Highlands, 38—preparations for visit to Scotland, 41—letter regarding sculptures at Holyrood, 42—his arrival and reception in Edinburgh, 43—further Acts regarding Episcopacy, 44—prerogative claim, 45—the services at Holyrood Chapel, 46—the Five Articles of Perth, 47—his efforts to coerce into conformity, 54—opposition to the "Yule vacance," *ib.*—regulations regarding Sunday, 55—letter urging severity, 56—stand against the Articles, 57—proclamation regarding Christmas, 60—he withdraws it, *ib.*—his opinion of Laud, 61—project for colonising Nova Scotia, 62 *et seq.*—and Ulster, 71—his death, 72—Liturgy of 1618 submitted to him, 116—his work against witchcraft, vii. 115.
- James VII., excommunicated when Duke of York by the Covenanters, vii. 236—sent as commissioner to Scotland, 238—and again in 1681, 240—the Succession Act, *ib. et seq.*—his accession, 257—the insurrection of Monmouth, 258—and of Argyle, 259—increased severities, and appeal to the Estates on behalf of the Romanists, 264—bill in their favour rejected, 265—forces it on Parliament by prerogative, 267—new Indulgences, *ib. et seq.*—overtures to the Presbyterians, and their answer, 280—birth of his son, 282—current belief that this was a spurious child, and its effects, *ib.*—the descent of the crown, 283—formally dethroned by the Convention Parliament, 284—the Montgomery plot for his restoration, 344 *et seq.*
- James, the "Pretender," his birth, and circumstances attending it, vii. 282 *et seq.*—appointed to command the French invading force in 1708, viii. 203—proclaimed as James VIII., 252, 263, 295, 297—price set on his head, 263—his arrival in 1715, 321—reception and character, &c., *ib. et seq.*—*jeu d'esprit* on him, 322—his timidity, 326—escapes, 327—his removal from France, 342—his court in Italy, 343—conduct towards his supporters, *ib. et seq.*—offers to Argyle, 345.
- James, Steward of Scotland, surrenders to the English, ii. 187—tries to mediate before the battle of Stirling, 190.
- Jameses, close of the epoch of the, iii. 186.
- Jameson, George, the painter, vii. 100.
- Jamieson, etymology of Pictish names from, i. 192, note—his account of the Culdees, 403, note—his Scottish Dictionary, iii. 423, note.
- Jardine, Alexander, defence of Tantallon by, iii. 235.
- Jedburgh, artificial caves near, i. 101—Monastery, founded, 442—its remains, ii. 104—Castle, surrendered to the English, i. 448—captured by the Scots, ii. 386—destroyed by Lord Dacre, iii. 103—the Abbot of, 120—destroyed by Hertford, 236.
- Jesuits, the, their activity under James VI., vi. 3.
- Jet, ancient ornaments of, i. 123.
- Joannes Scotus, ecclesiastical disputes regarding, ii. 5—made Bishop of Dunkeld, 6.
- Jocelyn, Archbishop of Glasgow, ii. 73—his life of St Kentigern, i. 237, 251.
- Johanna, wife of David II., ii. 324—her death, 337.
- Johannes de Cadomo, ii. 118, and note, 121, note.
- John, King, see Balliol.
- John, King of England, threatened war with William the Lion, ii. 7—and with Alexander II., *ib.*
- John, King of France, prisoner in England, ii. 331.
- John, Don, of Austria, named as husband for Queen Mary, v. 244.
- John of Bordeaux, denounced as one of Darnley's murderers. iv. 106.

- John of Fordun, one of the authors of the *Scotichronicon*, iii. 414.
- John of Gaunt, a refugee in Scotland, ii. 350.
- John of Isla, a Highland chief, iii. 149.
- John of Lorn, Bruce defeated by, ii. 249, 252—subdued by Bruce, 273.
- John, Lord of the Isles, joins James II. at Roxburgh, ii. 434—made Warden of the Marches, iii. 2—insurrection of his son, 3—treaty with Edward IV., *ib.*—cited for treason, and his estates partly forfeited, 14—made a peer, 15.
- Johnson, John, epigram on Flodden by, iii. 79, note.
- Johnson, account of Claverhouse's death by, vii. 382.
- Johnston, Archibald, of Warriston, the Covenant attributed to, vi. 183—one of the drawers-up of the demands of the Covenanters, 192—and of their protestation, 195—clerk to the Assembly of 1638, 227—produces the missing records of the Kirk, *ib.*—one of the commissioners to treat for peace, 267, 309—made a Lord of Session, 327—commissioner to Westminster Assembly, 381—the probable drawer-up of the Act of Classes, 423—takes office under Cromwell, vii. 50—his arrest and execution, 151 *et seq.*
- Johnston, Arthur, his Latin poems, vii. 81.
- Johnston, Secretary, his jealousy of Lord Stair, and efforts to supplant him, vii. 409—his parentage and character, *ib.*, note—account by him of the debate on the Act of Security, viii. 102, note—a leader of the Squadrone, 111—on the changes in the Union Act, 190, note.
- Johnston, Alexander, account of escape of Montgomery by, vii. 351, note.
- Johnston, the Laird of, v. 295.
- Johnston of Crimond, commands the Cavaliers at Turiff, vi. 245—defence of Gight Tower by, 249.
- Johnston's translation of 'Norse Account of Haco's Expedition,' ii. 35, note.
- Johnstone, Sir Patrick, one of the Union Commissioners, viii. 117—mob attack on him, 142 *et seq.*
- Johnstons, feud between them and the Maxwells, v. 235.
- Joleta, marriage of Alexander III. to, ii. 42.
- Joyce, the seizure of Charles I. by, vi. 409.
- Judges, the Scots, debate as to their place in Parliament on the investigation into the Porteous Mob, viii. 365.
- "Judicial testimony" of the Seceders, the, viii. 409.
- Julian, the Emperor, aid sent the Britons by, i. 45.
- Jury trial, ancient germ of, ii. 63.
- Jus devolutum*, the, viii. 386—Act of Assembly regarding it, 1732, 402.
- '*Jus Populi Vindicatum*,' the, vii. 274, note.
- Justice, great influence of the Church in its administration, iii. 313—the administration of, discussion on the articles of the Union regarding it, viii. 172.
- Justice of the peace system introduced into Scotland, viii. 210.
- Justiciars, the early, ii. 54.
- Katrine, Loch, stronghold of the Mac Gregors on, vi. 23.
- Keating's History of Ireland, i. 177.
- Keills, the, viii. 552.
- Keith, Bishop, viii. 425.
- Keith, Marshal, engaged in Jacobite attempt of 1719, viii. 340 *et seq.*
- Keith, Sir William, v. 253.
- Keiths, the, join the Covenanters, vi. 236.
- Keller, Dr, his analysis of early Irish decoration, i. 161.
- Kellie, Lord, joins the Pretender, viii. 460.
- Kello, John, his confession of demoniacal possession, vii. 117.
- Kelloch, the first-mentioned bishop in Scotland, i. 306.
- Kells, relics of St Columba removed to, i. 276.
- Kelly, Mr, a follower of the Pretender, viii. 434.
- Kelso Abbey, founded, i. 442—its remains, ii. 104, 105, note—ancient rental of, 107, note—destroyed by Hertford, iii. 242—intended erection of fort at, 243—the Jacobites in 1715 at, viii. 296—James VIII. proclaimed at, 297.
- Kelts or Celts, the stone axes so called, i. 116, 119.
- Kemble, on the runes of the Ruthwell cross, i. 153—account of the Norse Hel by, 224.
- Kenilworth, Scott's account of the revels at, v. 364.
- Kennedy, Bishop of St Andrews, ii. 426—struggle with the Earl of Crawford, *ib.*—his administration, iii. 2.
- Kennedy, Jane, servant to Queen Mary, v. 264.
- Kennedy, Quentin, vi. 5.
- Kenneth, incorporation of the Scots and Pictish kingdoms under, i. 283, 284, 294—endowment of Dunkeld by, 277.
- Kenneth III., his reign, i. 338.
- Kenneth IV., or the Grim, i. 340.
- Kenmure, Lord, authorised by the Convention to raise troops, vii. 297—in 1715, viii. 259—rising of, 291, 294—junction with the English rebels, 295—march to England, 301—his trial and condemnation, 334—his execution, 336.
- Ker of Fandonside, outlawed for Rizzio's



- murder, iv. 159—excepted from the pardon, 181.
- Ker of Kersland, account of the Cameronians by, viii. 160, note—character of his Memoirs, 162 *et seq.*—negotiations with Hooke and the Jacobites, 201—his treachery, *ib.* *et seq.*
- Ker, Captain, burning of Towle Castle by, v. 69.
- Ker, Earl of Somerset, v. 398.
- Kerr, Lord Mark, his reception of the fugitives from Prestonpans, viii. 457.
- Kerr of Ferniehurst, a member of the queen's Parliament, v. 64—made Provost of Edinburgh, 66—quarrel of the English warden with, 229 *et seq.*—his character and death, 230.
- Kerr, the bearer of the Spanish blanks, v. 291.
- Kerra, the, rise of their power, iii. 146—their influence for the queen, v. 68.
- Ketil Flatnef, a Norse chief, i. 306, 327.
- Kidnapping for the plantations, prevalence of, viii. 7, 520.
- Kildrummy, frequency of earth-houses in, i. 98—Castle, its ruins, ii. 99—demand of Edward for its surrender, 235—in Bruce's hands, 240—stormed by Alexander Stewart, 391.
- Kildrummie, Mar's fortress of, viii. 257.
- Killiecrankie, the position of, described, vii. 375 *et seq.*—battle of, 377 *et seq.*—effects of it at Edinburgh, 383—and in the Highlands, 385.
- Killigrew, Henry, sent as ambassador to Scotland, v. 73—mission to Scotland, and secret negotiations for surrender of Mary, 111—negotiations between the Hamiltons and the king's party, 114—his report on the state of the country, 141—sent to negotiate regarding the Raid of the Redeswire, 154.
- "Killingtime," the, its literature, vii. 274.
- Kilmarnock, the Earl of, a Royalist in 1715, viii. 273—joins the Pretender, 445, 460—trial and execution of, 497.
- Kilpatrick, slaughter of the Red Comyn by, ii. 239—his descendants, *ib.*, note.
- Kilpont, Lord, joins Montrose, vi. 366—murdered, 367.
- Kilrymonth or St Andrews, first trace of an Archbishop of, i. 396.
- Kilsyth, Lord, viii. 200—marriage of Claverhouse's widow to, vii. 363, note—in 1715, viii. 259.
- Kilsyth, battle of, vi. 373.
- Kilt, introduction of the, viii. 535, note.
- Kilwinning, the Abbot of, v. 64.
- Kincardine, Lord, vii. 203.
- Kinellar, sculptured stone at, i. 140, note.
- King, Bishop of London, v. 381.
- King, Peter, translator of the Catechism of Canisius, vi. 7.
- King's College, Aberdeen, modelled on University of Paris, iii. 404—architecture of chapel, 431, 436.
- King's Confession, the, v. 206.
- Kinghorn, death of Alexander III. at, ii. 43.
- Kingston, Viscount, in 1715, viii. 259.
- Kinloss Abbey, founded, i. 442.
- Kinneff, recaptured by the Scots, ii. 324.
- Kinnoul, Lord, vi. 98—accompanies Montrose in his flight, and his death, vii. 5.
- Kintyre, surrendered to the Crown, iii. 15.
- Kirk, see Church.
- Kirk-of-Field, description of, and Darnley's removal to it, iv. 184—Buchanan's picture of it, 185, note—description of the locality, access, &c., 187.
- Kirkbride, the Knight of, ii. 216.
- Kirkcaldy of Grange, a leader in the plot against Beaton, iii. 258, 262—as galley-slave in France, 266—escapes, 267—the first to advocate the English alliance, 360—joins the combination against the queen, iv. 123—intimates to Bedford the intended marriage to Bothwell, 207—a leader among the confederates, 235—conference with the queen at Carberry, 245—her surrender to him, 248—pursuit of Bothwell, 463—appointed to command of Edinburgh Castle, 290—at the battle of Langside, 373 *et seq.*—his character, and joins the queen's party, v. 28—hostilities against the king's party, and command obtained of the town, 44—his challenge to the king's partisans, *ib.*—the affair of Durie, 45—his proceedings denounced by England, 46—quarrel with Knox, *ib.* *et seq.*—sermon by the latter against him, 48—Knox's alleged danger from him, 53—conference between them, 55 *et seq.*—his position in command of the castle, and bond with the civic authorities, 58—displacement of the municipality, and appointment of a new, 66—defeat of his partisans, 67—truce accepted by him, 73—the motives for his resistance, 115—close of the truce, 116—damage to the town, 117—force sent from England, and siege of the castle, 120, 123 *et seq.*—his surrender to the English, 125—given up to Morton, *ib.*—his execution, 126 *et seq.*—his character by Sir James Melville, *ib.*—Knox's prophecy as to his death, 127—pawning of the Crown jewels by him, 156.
- Kirkcaldy, James, entrapped by Balfour, v. 118.
- Kirkcaldy, John, his quarrel with the Duries, v. 45.
- Kirkcaldy, its shipping under Cromwell, vii. 57.
- Kirkcudbright, meeting against Inclosures in, viii. 512.
- Kirkintilloch, the Peel of, i. 34, note. 35

Kirkmadrine, sculptured stones at, i. 153.  
 Kirkpatrick or Kilpatrick, the, ii. 239, note.  
 Kirkton, sketch of Charles II. from, vii. 127.  
 Kirkton, a member of the Assembly of 1690, vii. 438.  
 Kists or stone coffins, i. 105.  
 Knapdale, surrendered to the Crown, iii. 15.  
 Knockhill, supposed site of the battle of the Mons Grampius, i. 14.  
 Knollys, Sir F., on the Book of Common Order, iv. 343, note—sent to take charge of Mary, 382—his character of her, 384—urges the queen's removal, 392—account of her removal to Bolton Castle, 393 *et seq.*—report of interview between Mary and Herries, 410—and of her feigned inclination toward the English Church, 411 *et seq.*—instructions from Elizabeth to him, 450.  
 Knox, Andrew, Bishop of the Isles, v. 456 *et seq.*  
 Knox, John, his account of the rivalry between the Archbishops of St Andrews and Glasgow, iii. 42, note—on the Lollards of Kyle, 43, and note—his account of Patrick Hamilton, 141—and of Wishart, 253 *et seq. pass.*—and of the death of Beaton, 262, note—becomes chaplain to the garrison of St Andrews Castle, 263—as galley-slave in France, 266 *et seq.*—his advice as regards escape, 267—released, and his residence in England, 269—effects of his language as to Church property, 311—his “articles,” 312, note—sermon against excommunication by, 322—his return to Scotland, 338—his History, 339—its personal revelations, *ib. et seq.*—discussion with the Lords of the Congregation as to their attendance at mass, 341—the First Covenant, 344—account by him of the first public appearance of the Protestants, 346—impression made by the queen-regent on him, 348—on the change in her policy, &c., *ib.*—his account of the outbreak of the Reformers at Perth, 350—approves of the destruction of monasteries, &c., 354—his opposition to the moderate party, and distrust of the regent, 356—anxiety of Cecil for his co-operation, 360—his obstinacy regarding his book on the government of women, 362—his explanation on it, 363, and note—conference with English authorities, 364—characteristics of his works, 421—his Liturgy, Gaelic translation of, 426—his account of the receptions of Mary, iv. 20—declaration against the mass, 27—interview with the queen, 28 *et seq.*—its results, 31—letter from him to Calvin, *ib.*—on the reaction against the Reforma-

tion, 34—on the Book of Discipline, 35 *et seq.*—opposes the arrangements for support of the clergy, 41—on the fall of the Earl of Huntly, 52—account of Mary's personal habits, &c., 57—interview with her, 58—the question in what language these dialogues took place, 59—dialogues arising from prosecutions of Romanists, 60—his account of the prosecution of the Archbishop of St Andrews, 64—on the reaction toward Romanism, 70—his dissatisfaction with the Parliament of 1563, 72—quarrel between him and Murray, *ib.*—sermon against the Lords of the Congregation, *ib.*—and on the queen's marriage, 73—address to the queen's ladies, 74—account of the riot at Holyrood in 1563, 75—cited before the queen, 76—acquitted, *ib.*—his justification by the General Assembly, 77—his prayer for the queen, 78—discussion on it in the Assembly, *ib. et seq.*—applied to write to Calvin, 81—his account of Arran's attempts to secure the queen, 83—notice of Chatelar from, 87—and of Elboeuf, 89—his knowledge of the projected marriage to Don Carlos, 97—account of an Easter riot, 117—accused of complicity in the murder of Rizzio, 150—his approval of it, 151—at the coronation of James VI., 284, 285—his connection with the preparation of the Geneva Liturgy, 331 *et seq.*—his struggle with Cox at Frankfurt, *ib.*—forged account of his complicity in scheme for conferring the crown on Murray, v. 16 *et seq.*—his opinion of Murray, 18—attacks Kirkcaldy in the pulpit, 46 *et seq.*—his refusal to pray for the queen, 48—conduct of the Assembly regarding this, *ib.*—his further arguments, 49—James Melville's sketch of him, 52—his falling powers, 53—increasing hostility of Kirkcaldy, *ib.*—conference with Kirkcaldy and Lethington, 55—his failing health, 56—account of the conference, *ib. et seq.*—retires to St Andrews, 68—not opposed to retention of titular bishops, &c., 75, 79, and note—letter from him to General Assembly of 1572, his jealousy of the universities, &c., 77 *et seq.*—on Douglas's election to the see of St Andrews, 82—his failing health, *ib.*—his death, *ib.*, 88—his character and public life, 82 *et seq.*—his apparent arrogance, 83—principles of government advocated, 84, note—the charges against his moral character, 85—his personal habits, 86—Morton's saying at his burial, 87—Bannatyne's character of him, *ib.*—his denunciations of the Massacre of St Bartholomew, 91—his alleged prophecy regarding Kirkcaldy's death, 127—his Chronicles denounced by James VI., 140, note—his Liturgy,

- or the Book of Common Order, vi. 115, 119.
- Kro, cro, or croo, the, in the laws of the Brets and Scots, ii. 63.
- Labanoff's letters of Queen Mary, iv. 59.
- Lachrymatories, Roman, i. 57.
- Laing, David, his editions of Dunbar and Henryson, iii. 419, note—and of the 'Gude and Godlie Ballads,' iv. 352, note.
- Laing, Samuel, Jun., 'Prehistoric Remains of Caithness,' i. 113.
- Laity, their opposition to the Book of Discipline, iv. 34—their appropriation of the old Church property, 322—resolution regarding it, 324.
- Lake-dwellings in Scotland, i. 89 *et seq.*
- Lamartine, his account of Lochleven, iv. 360, note.
- Lambert, General, at the battle of Dunbar, vii. 26—one of the Union Commissioners, 52—preaches in Edinburgh, 29.
- Lamberton, Bishop of St Andrews, ii. 202, 206, 208—league between him and Bruce, 237—imprisoned by Edward I., 246—secures the adherence of the clergy, 258—his repeated changes of sides, 260, note.
- La Mothe Fénelon, efforts of, for Queen Mary's restoration, v. 99—conference with Morton, 100—sent as ambassador, 195—popular insult to, 210.
- Lampridius, reference to Lollius Urbicus by, i. 33, note.
- Lanark, the Earl of, vi. 309—at the Ripon conference, 312—connected with the "Incident," 334—his statement regarding it, 338.
- Lanark, first collision of Wallace with the English at, ii. 183.
- Lancaster, the rebels at, in 1715, viii. 304.
- Land, tenure, &c., of, in the Orkneys, iii. 10.
- Land tax, adjustment of the, by the Union, viii. 122.
- Lanercost, the Chronicle of, iii. 412.
- Langdale, Sir Marmaduke, his account of the battle of Preston, vi. 415, note.
- Langside, battle of, iv. 372 *et seq.*
- Langtoft, the Chronicle of, iii. 412—his account of the capture of Wallace, ii. 226, note.
- La Noue, accompanies Mary to Scotland, iv. 18.
- Large, battle of, ii. 34 *et seq.*
- Lasselles, Colonel, his flight from Prestonpans, viii. 457.
- Latin, its gradual disuse, vii. 80 *et seq.*
- Latour, Sir Brian, iii. 236—defeated and slain, *ib.*
- Laud, Archbishop, James VI.'s opinion of him, vi. 61—accompanies Charles I. to Scotland, 90—his conduct, 92—Archbishop of Canterbury, 99—his tone to the Scots bishops, 100 *et seq.*—their submission, 101—his objects and tendencies, 102—issuing of the Canons, 104—he the author of them, 105—his enmity to the Geneva Bible, 108—his Liturgy, 125—his own account of it, 126 *et seq.*—his Romanist tendencies, 133, and note—comparison of it and the English Prayer-book, *ib.* *et seq.*—changes in the communion service, 139 *et seq.*—saints' days in it, 142—use of the Apocrypha, 143—works upon it, *ib.*, note—proclamation enforcing its use, 144—its size, type, &c., 146—first reading of it in Edinburgh, 149 *et seq.*—excitement against it, 155 *et seq.*—trial of Henderson for refusing to use it, 155—general rejection of it, 156—continued attempts to enforce it, 158 *et seq.*—the "supplications" against it, 160 *et seq.*—compromise proposed, 200—proclamation by Hamilton regarding it, 207—abolished by Assembly of 1638, 230—and again by that of 1639, 272—his denunciations of the Covenanters, 254 *et seq.*—his notes on the Scots manifesto, 311—his Liturgy adopted by the Nonjurors in Scotland, viii. 220.
- Lauder Bridge, the execution of the favourites of James III. at, iii. 27.
- Lauderdale, Earl, excepted from Cromwell's indemnity, vii. 47—his influence with Charles II., 137—struggle between him and Middleton, and fall of the latter, 162 *et seq.*—the Indulgence, 177—created duke, and made Commissioner, 179—his character and probable motives, *ib.* *et seq.*—aids the marriage of Monmouth to the heiress of Buccleuch, 185—private interferences with justice, 193—a witness on Mitchell's trial, 202.
- Lauderdale, the Duchess of, vii. 179.
- 'Launcelot of the Lake,' the authorship of, iii. 410.
- Law, John, contrasted with Paterson, viii. 14—his views on banking, 18—financial scheme proposed by, 111.
- Law, the early Scots codes, &c., of, ii. 58 *et seq.*—measures of the Estates for administration, &c., iii. 391 *et seq.*
- Laws, the ancient remains on, i. 97.
- Laws, early, language in which written, &c., ii. 64, note—revision, &c., of, under James I., 399—mode of passing in the Estates, iii. 390.
- Lawburrows, system of, adopted against the Covenanters, vii. 177.
- Lawder, John the accuser of Wishart, iii. 255.
- Lawson, James, a Presbyterian clergyman, v. 199—one of the censors of the press, iv. 322—at Morton's execution, v. 180.
- Lay eldership, origin and effects of it in the Reformed Kirk, iv. 328 *et seq.*, v.

- 142 *et seq.*—discussion in the Westminster Assembly on it, vi. 391.  
 Lead formerly worked in Scotland, iii. 445.  
 Learmonth, Thomas, or Thomas the Rhymer, iii. 419.  
 Lechmere, Mr. moves the impeachment, of the rebel lords in 1715, viii. 333.  
 Le Croc, account of meeting between the queen and Darnley, iv. 161—and of the queen's illness at Craigmillar, 178—declines being present at the marriage of the queen and Bothwell, 228—notice of the early married life of the pair, 232—his attempts to mediate between the queen and confederates, 241 *et seq.*—account of Bothwell's treatment of the queen, 247—his report as to the views of the confederates, &c., 251—and the disposal of the queen, 252 *et seq.*—his pacific efforts, v. 73—his position in Scotland after the massacre of St Bartholomew, 92.  
 Lee, Principal, on the Geneva Bible, vi. 108, note—list of the eminent men in the Kirk after the Revolution settlement by him, vii. 466, note.  
 "Leges Malcomi," the, i. 342, and note.  
 Legitimacy, powers and administration of law of, claimed by the Church of Rome, ii. 345 *et seq.*, iii. 313 *et seq.*—disregard of in the Highlands, &c., vi. 34.  
 Leicester, the Earl of, proposed as husband to Mary, iv. 101—and again, vi. 4—appeal from Throckmorton to him, iv. 306—a member of the commission on Mary, 431.  
 Leighton, Bishop, vii. 80, 446.  
 Leighton, Colonel, in 1746, viii. 486.  
 Leighton, Thomas, sent as English ambassador, after the escape from Lochleven, iv. 372.  
 Leith, destruction of, by Hertford, iii. 234—occupied and fortified by the queen-regent and the French, 366—its siege by the English auxiliaries, 369—landing and reception of Mary, iv. 19—feudal superiority conferred on Bothwell, 198—held by the king's party, v. 67—fortress formed by them there, *ib.*—Bothwell's attempt on James VI. at, 283—its importance under Cromwell, vii. 56—captured by MacIntosh in 1715, viii. 288.  
 Leland, his edition of the Chronicles, iii. 412, note.  
 Lennox, the Earl of, attempts to mediate before the battle of Stirling, ii. 190.  
 Lennox, Lord, killed, iii. 138.  
 Lennox, the Earl of, supports King Henry, iii. 219—French treasure intercepted by him, 220—joins the national party, 227—views of King Henry regarding him, 230—Darnley's father, iv. 107—recovery of his power in the west, 114—intimates Darnley's design of fleeing to France, 161—correspondence demanding justice on Darnley's murderers, 199 *et seq.*—summoned to appear at Bothwell's trial, 208—fails to do so, 209—one of the Council of Regency, 279, 281—present at the York Commission, and his efforts to collect evidence, 424—evidence brought forward by him, 448—his position as regards the succession, v. 4—denounces Lethington, 8—chosen regent, 20—recommended and supported by Elizabeth, 30—effect of his election on the Hamiltons, 32—capture of Dumbarton Castle, *ib.* *et seq.*—mortally wounded, 40—his last hours and death, 41—his attachment to his wife, *ib.*—the Bishop of Galloway on his slaughter, 147.  
 Lennox, Lady, committed to the Tower, iv. 115—the attachment between her and her husband, v. 41—Froude's opinion of her, 42, note—her alleged vindication of Mary, *ib.*  
 Lennox, Esme, Duke of, his arrival, v. 168—favour with which received by James VI., 169—honours, &c., conferred on him, *ib.* *et seq.*—becomes Protestant, 171—fresh honours, *ib.*—displeasure of England at his ascendancy, *ib.* *et seq.*—the struggle between him and Morton, 176 *et seq.*—fall of the latter, 177 *et seq.*—his overthrow by the Raid of Ruthven, 186 *et seq.*—picture of him by the conspirators, 187—his renewed struggle for supremacy, 191—dismissed from Scotland, and his death, 193—attacked from the pulpit, and his change to Protestantism, 206.  
 Lennox, the Duke of, accompanies the king to the Earl of Gowrie's, v. 317 *et seq.*—his evidence on the conspiracy, 320 *et seq.*, 326.  
 Lennox, the Duke of, the supplications against the Service-book entrusted to him, vi. 164.  
 Lennox, the, ravaged by the Norsemen, ii. 33.  
 Leonard, one of the favourites of James III., iii. 27.  
 Leslie, Bishop, account of the Highland invasion under Donald Balloch by, iii. 3—his account of the siege of Broughty Castle, 278—ambassador to France, 282—opposes formation of a standing army, 288—on the state of the Church, 325—on the Acts of the Council of 1559, 336, note—his history of Scotland, 415—on the gold of Scotland, 445—visits Mary in France on behalf of the Romanist party, iv. 11—mentions Bothwell as accompanying her to Scotland, 18, note—one of the councillors who direct Bothwell's trial, 208—one of Mary's commissioners at York, 415—conference with her regarding the

- casket letters, &c., 432—and with Norfolk, 433—his connection with the projected marriage to Norfolk, 434, note—protests against withdrawal from the conference, 454—counter-charge against Murray, &c., *ib.* *et seq.*—his origin, parentage, &c., v. 94—his defence of Mary, and its grounds, *ib.*—his belief in her guilt, 95—his defence grounded on the divine-right dogma, *ib.* *et seq.*—Elizabeth's sympathy with his views, 96—remains in England as Mary's ambassador, *ib.*—the proposed transference of her rights to Anjou, 102, note—his intrigue with Rudolph, 103 *et seq.*—discovery of it, 106—sent to the Tower, 107—his admissions, and leniency of Elizabeth, *ib.*—Elizabeth's partiality to him, 109.
- Leslie, General Alexander, his return to Scotland, vi. 219—acts under Montrose in the north, 236, 238, 240—captures Edinburgh Castle, 256—a party to the dealings with France, 288—made Earl of Leven, 327. See Leven.
- Leslie, David, major-general of the Scots army in England, vi. 356—at Marston Moor, 362—force against Montrose, 375—his victory at Philiphaugh, 376—final defeat of Montrose, vii. 4—commands against Cromwell, 15—his policy, *ib.*—character of his force, 16—his position before Edinburgh, 21—and at Dunbar, 23—battle of Dunbar, 24 *et seq.*—position at Torwood, and march into England, 40—defeat at Worcester, 41—taken prisoner there, *ib.*
- Leslie, Norman, one of the conspirators against Beaton, iii. 262—as galley-slave in France, 266—escapes, 267.
- Leslie, Robert, vi. 265.
- Leslie, William, Principal of King's College, vi. 235.
- Leslie of Pitcaple, death of, vi. 210.
- Lesmahago, Roman vase found at, i. 51.
- Lethington, see Maitland.
- "Letters of Fire and Sword" in the Highlands, vii. 413.
- Leven, the Earl of, appointed commander-in-chief, and his march to the Border, vi. 259—English forgery regarding him, 260, note—the camp on Dunse Law, 264—the Scots army again assembled under him, 301—enters England, *ib.*—victory at Newburn, 302—capture of Newcastle, 305—further successes, 307—force and operations in Ireland, 349—commands the Scots army in England, 356—the invasion, 357—capture of Newcastle, 358 *et seq.*—junction with the Parliamentary army, 360—at Marston Moor, 361—surrender of Charles I. to him, and his reception, 404—the king surrendered to the Parliamentarians, 408—forces under him against Cromwell, vii. 15.
- Leven, Lord, Secretary of State, in 1705, viii. 110.
- Leven's Regiment at Killiecrankie, vii. 378, 382, 383.
- Lewis, the great stone circle in, i. 133, 137—attempt to colonise it, vi. 37.
- Leyden, his reprint of the 'Complaynt of Scotland,' iii. 417.
- L'Hôpital, the Chancellor, his poem on the marriage of Queen Mary, iii. 292.
- Lightfoot's Journal of the Westminster Assembly, vi. 379, note—the discussions on the Covenant, 386.
- Lignerolles, M., French ambassador, refused access to Queen Mary, and answer to his other demands, iv. 291 *et seq.*—Murray on his embassy, 294.
- "Limitations," the, proposed in Parliament of 1703, viii. 92.
- Limitations and Securities, bill of, brought into the Scots Parliament, viii. 113.
- Limoges, Bishop of, iv. 92.
- Lindisfarne, erection of the first church, at, i. 270—its influence, 275—plundered by the Norsemen, 276—Aidan's establishment at, 297.
- Lindores, the Abbey of, ii. 128, note—burial of the Duke of Rothesay at, 380—sacked by the mob, iii. 250.
- Lindsay, Alexander, Admiral of the fleet of James V., iii. 176.
- Lindsay, Alexander, the revenues of the see of Moray bestowed on him, v. 451—made Lord Spynie, *ib.*—his death, 452.
- Lindsay, Sir David, on Flodden, iii. 79, note—his 'Three Estates,' 171, note—extracts from it, 324, note—his attacks on the Church, 341—his works, 421.
- Lindsay, David, conversation with Knox regarding Kirkcaldy, v. 127—last interview with Kirkcaldy, 128—sermon before the king, 338.
- Lindsay, David, a Jacobite, connected with the Queensberry plot, viii. 95—tried and condemned in England, 97, note.
- Lindsay, Lord, declaration of, against the mass, iv. 28—accepts Bothwell's challenge at Carberry, 245—the queen's conduct to him during the return to Edinburgh, 248—one of the envoys to procure the queen's abdication, 278—at Langside, 373—recriminations between him and Herries, 456—forged account of his complicity in scheme for conferring the crown on Murray, v. 16.
- Lindesay, Lord, during the religious disturbances in 1597, v. 311.
- Lindsay of Balcarras, one of the Octavians, v. 299.
- Lindsay, Rev. John, vi. 204, note.
- Lindsay, Rev. Patrick, v. 446, note.

- Lindsay, Mr, during the Porteous Mob, viii. 362.
- Lining, Thomas, a Cameronian leader, vii. 433.
- Linlithgow, the Earl of, in 1715, viii. 259—*forfeited*, 348.
- Linlithgow, taken by Bruce, ii. 256—the vision of James IV. at, iii. 74—removal of Mary from, 204—church, its architecture, 431—and palace, 435—removal of the Privy Council to, vi. 175—assassination of the Regent Murray in, v. 13.
- Lion in the Scots arms, its supposed origin, i. 445, and *note*.
- Lionel, son of Edward III., ii. 339.
- Lisle, Lord, iii. 191.
- Lismore, Book of the Dean of, i. 178.
- Literature, its state from the War of Independence to the Reformation, iii. 409 *et seq.*—and after the Reformation, vii. 77—state of, 1688-1748, viii. 543—effects of the ecclesiastical disputes on it, 549.
- Lithgow, W., his account of Poland and the Scots there, vi. 63.
- "Little Picardy," French refugees in, vii. 269.
- Liturgies, various, in use before Laud's, vi. 115 *et seq.*
- Liturgy, employment of one by the early Kirk, iv. 328—absence of a, after the rejection of Laud's, vii. 463—the English, its introduction into Scotland, viii. 218—reintroduction, of Laud's, 220—Laud's, see under Laud.
- Liverpool, trials at, after 1715, viii. 331.
- Livingston, Sir Alexander, ii. 414—rivalry and compact between him and Crichton, 415—joins Douglas, 421.
- Livingston, Lord, a party to the conspiracy of the Boyds, iii. 7.
- Livingston, Lord, accompanies the queen in her flight, iv. 375—one of the queen's party, 377, *note*—one of her commissioners at York, 415—convicted of conspiracy against Morton, v. 160.
- Livingston, General, left by Mackay to defend Dundee, vii. 365—defeats the Highlanders at the Haughs of Cromdale, 391.
- Livingston, Sir T., on the treatment due to the Highlanders, vii. 408, *note*.
- Livingstone, Captain, at Sheriffmuir, viii. 319, *note*.
- Livingstons, fall of the, ii.
- Lloyd, Bishop, on the antiquity of the Culdees, i. 401, *note*—his attacks on the fabulous history of Scotland, iii. 417.
- Loarn, first King of Dalriada, i. 286, 292.
- Lochaber axe, the, first described, ii. 367.
- Loch-an-Eilan, the island castle of, iv. *note*.
- Lochgarry, combat of, vii. 71.
- Lochiel, see Cameron.
- Lochindorb, the island castle of, iv. 360, *note*.
- Lochleven, interview between Mary and Knox at, iv. 60—removal of Mary to, 252—her abdication, 278—her escape, 358—description of the castle, and what is known of her life there, 359 *et seq.*—particulars of the escape, 364 *et seq.*
- Lochmaben, ancient fort at, ii. 101—Bruce's castle of, 240—James VIII. proclaimed at, viii. 251, 295.
- Locke, letter from, on Aikenhead's case, viii. 77, *note*.
- Lockhart, Captain, shot after 1715, viii. 331.
- Lockhart, Sir George, defence of Mitchell by, vii. 204—directs the torturing of Neville Payne, 349—his murder, 340—his character, &c., *ib.*
- Lockhart, Sir William, his services under Cromwell, vii. 50—account of Fletcher of Saltoun by, viii. 5, *note*.
- Lockhart of Carnwath, one of the Union Commission, viii. 117—absent from the closing act of the commission, 135—his account of the anti-union riots, 144, *note*—and of the addresses to the Estates, 148, *note*—alleged anecdote of Seafield given by, 177, *note*—the charge of bribery brought by him against the Union Commissioners, &c., 178, 180 *et seq.*, 182, 183, *note*—discourages the threatened rising in 1708, 200—arrested in 1714, 252—formation of "Trustees" for the Pretender by, 343—his account of the malt tax scheme, 352—part taken by, in the dispute in the Scots Church, 419.
- Lockhart of Lee, opposes the Ejection Act, vii. 160.
- Lodbroc, Ragnar, i. 322, 325, 329.
- Logan of Restalrig, the discovery of his connection with the Gowrie Conspiracy, v. 345, 416 *et seq.*—his letters on the subject, 346.
- Logarithms, the invention of, vii. 97.
- Logie, Margaret, marriage of David II. to, ii. 337—her after-life, 338.
- Loki, the Norse legend of, i. 225, 226.
- Lollards, the, in Scotland, ii. 386—of Kyle, iii. 43.
- Lollius Urbicus, reconquest of Britain by, i. 32—inscriptions confirming his invasion, *ib.*, *note*.
- Lomond, Loch, the Norsemen on, i. 313, ii. 33—the MacGregors on, during 1715, viii. 281—Loyalist expedition to, 282 *et seq.*
- London, early notices of, i. 46—delivered by Theodosius, *ib.*—the corporation of, ii. 84—the commission on Mary removed to, iv. 431—adjournment of the Ripon conference to, vi. 316—excitement there, 317—plans for starting

- the African (Darien) Company in, viii. 24—rapid filling up of the subscription there, 26—trials at, after 1745, 496, 497.
- Long Parliament, the impeachment of Strafford, vi. 318—and the Scots Estates, 353—application for aid to the Scots, 354—treaty with them, 355—ordinance for the Westminster Assembly, 380—control over it, 381 *et seq.*—wisdom of its arrangement, 382.
- Lonsdale, Lord, in arms for the Government in 1715, viii. 302.
- Lord's Supper, the, the directions in the Book of Common Order for its ministration, iv. 335 *et seq.*
- Lord of the Isles, the, his independent position to the time of Robert III., ii. 388.
- Lords, the House of, motion in 1702 regarding the Union, viii. 65—appeals from Scotland, dissatisfaction caused by, 222.
- Lords Auditors of Complaints, the, iii. 391 *et seq.*—merged in the Court of Session, 394.
- "Lords of the Articles," iii. 390—contest between Parliament and the Crown regarding, vii. 329—new arrangements, 332 *et seq.*—and again, 336—abolished, 353.
- Lords of the Congregation, the, name first assumed, and their address to the queen-regent, iii. 347—manifesto by them, 355—terms agreed to with the regent, 356—they seize St Andrews and Edinburgh, 357—issue proclamation deposing the regent, 358—Sadler sent as emissary to them, 365—their struggle with the queen-regent, 366—are joined by Lethington, *ib.*—treaty of Berwick, *ib.*—the treaty of Edinburgh, 372 *et seq.*
- Lorn, Lord, professes purpose to join Glencairn, vii. 73.
- Lorraine, the Cardinal, correspondence of Mary with, regarding her marriage, iv. 96—at the Bayonne conferences, 134, 136.
- Lothian, Lord, commissioner in the Assembly of 1692, his proceedings, vii. 450 *et seq.*
- Lothian, controversy regarding the name in the early chronicles, i. 444, note—the Archdeacon of, ii. 208.
- Lothians, special law customs of the, ii. 61.
- Loudon, Lord, leader of the Supplicants, vi. 177—one of the commissioners to treat for peace, 267—commissioner to Charles I., 285—a party to the negotiations with France, 288—his imprisonment for this, 292—liberated, 293—one of the commissioners at Ripon, 309—made Lord Chancellor, 327—commissioner to Westminster Assembly, 381—excepted from Cromwell's indemnity, vii. 47.
- Loudon Hill, victory of Bruce at, ii. 249—the conventicle at, vii. 222—battle of, 224 *et seq.*
- Loudon, Lord, co-operates with Forbes in the north in 1745, viii. 473—his movements in the north, 484, 485.
- Louis XI., marriage of daughter of James I. to, ii. 405—relations between, and James III., iii. 19—policy toward Scotland, 22.
- Louis XIV., his death, and its effect on the insurrection of 1715, viii. 259.
- Lousie Law, battle of, v. 67.
- Louther, Sir John, opposes invasion of Scotland, iii. 210.
- Lovat, Lord, vii. 414—intrigues of, in 1703—viii. 95—flees to the Continent, 96—his arrival at Dumfries in 1715, and ambiguous conduct, 292 *et seq.*—movements in the north, 312—his policy, &c., in 1745, 471 *et seq.*—seized, but escapes, 472—first meeting with Charles Edward after Culloden, 492—his trial and execution, 497 *et seq.*
- Lower classes, Fletcher of Salton's picture of their state, viii. 8.
- Lowlanders, defeat of, at the battle of Isla, ii. 391—contrast between, and the Highlanders, iii. 61, vi. 21 *et seq.*—their animosity to the Highlanders, vii. 394.
- Lubeck, communication from Wallace to, ii. 194.
- Lucan, reference to the Druids in, i. 212.
- Lucas, Sir Charles, Royalist forces under, vi. 358.
- Lucian, alleged reference to the Druids by, i. 213, note.
- Lucius III., Pope, ii. 6.
- Ludlow, his account of the massacre of Dundee, vii. 42, note.
- Lulach, stepson of Macbeth, i. 345, note, 347.
- Lumladen, Andrew, viii. 454, note.
- Lumphanan, death of Macbeth in, i. 347.
- Luncarty, the battle of, i. 338.
- Lundie, Walter, iv. 110.
- Lupicinius, aid sent the Britons under, i. 45.
- Lupus, lieutenant of Severus, i. 40.
- Lyndesey, Alexander de, ii. 187—surrenders to Edward I., 224.
- Lyndsay, Alex., made Earl of Murray, v. 276.
- Lyndsay, Lord, at the battle of Gasklune, ii. 391—at Sauchie Burn, iii. 33.
- Lyndsay, Lord, one of the commissioners to York, iv. 417.
- Lyndsay, Lieutenant, at the massacre of Glencoe, vii. 405.
- Lyndsay of Pitscottie, account of the brothers of James III. by, iii. 20, note.
- Lyttleton, Sir Thomas, viii. 192.



- Mabinogion**, the, i. 170.  
**Macartney**, Colouel, alleged murder of the Duke of Hamilton by, viii. 249.  
**Macbean**, Aeneas, Episcopalian clergyman in South Uist, vii. 464.  
**Macbeda or Macbeth**, slaughter of Duncan by, i. 343—his reign and character, 345—his death, 347—importance of his reign, *ib.*—how his character has come to be misrepresented, 348—Wyntoun on him, *ib.*, note.  
**MacCallum**, Alister, affair of, v. 159.  
**M'Crie**, Dr, his pamphlet on the funeral of the Princess Charlotte, iv. 345, note—his sectarianism, v. 205—his life of Andrew Melville, 440.  
**Macculloch**, Professor, on vitrified forts, i. 88.  
**M'Culloch**, Mr, the minister of Cambuslang, viii. 413.  
**MacDonald**, Aeneas, viii. 434.  
**MacDonald**, Flora, viii. 499.  
**MacDonald**, Sir John, viii. 434.  
**MacDonald**, Ranald, the first to join the Pretender, viii. 436.  
**M'Donald of the Isles**, marriage of daughter of Robert II. to, ii. 345.  
**Macdonald**, Sir James of the Isles, v. 457, 459.  
**MacDonald of Boisdale**, the first to meet the Pretender, viii. 435.  
**Macdonald of Keppoch**, attempts to pillage Inverness, vii. 366—feud of The MacIntosh with, 413.  
**MacDonald of Kinloch Moidart**, joins the Pretender, viii. 436, 437—executed, 497.  
**Macdonald of Kolkitto**, vi. 369.  
**MacDonald of Sleat**, arrested as a Jacobite, viii. 252—in 1745, 437.  
**MacDonald of Tyendrish**, executed, viii. 497.  
**Macdonalds**, the, at Killiecrankie, vii. 380—at Culloden, viii. 490.  
**MacDonalds of Glencoe**, the, their position, &c., vii. 399—the massacre, 402—terms of pardon to the survivors, 412.  
**M'Donnells of Antrim**, the, vi. 33, note.  
**Macduff**, case appealed to Edward I. by, ii. 160—tradition regarding, 241.  
**MacFarlane**, John, a subscriber to the Darien scheme, viii. 30.  
**Macgill**, the Lord Register, meeting of Reformers at his house, iv. 34—proposal of, to write to Calvin as to the deposition of the queen, 81—present at the York Commission, 424—accompanies Morton to London, v. 100.  
**MacGregor**, Duncan, vii. 84.  
**MacGregor**, James, his collection of Highland poems, iii. 426.  
**Macgregor**, John, vi. 244, note.  
**MacGregor of Glenstrae**, his execution, vi. 24.  
**MacGregors**, the clan of, and their stronghold, vi. 23—the murder of Drummond by, &c., 24—defeat of the Campbells, *ib.*—retaliation on them, *ib.*—during 1715, viii. 281—expedition against them, 282 *et seq.*—their dispersal, 283.  
**Machatus**, traditional Bishop of the Isles, i. 391.  
**Machen**, King of Strathclyde, i. 279.  
**MacHeth**, Maormor of Ross, revolt and subjugation of, i. 427.  
**M'Ian**, Alexander, a Highland chief, iii. 149.  
**MacIain**, the head of the MacDonalds of Glencoe, vii. 400—the circumstances attending his taking the oath, 401 *et seq.*—his murder, 405—escape of his sons, *ib. et seq.*  
**MacIntosh**, Brigadier, captures Inverness Castle, viii. 263—his march to the south, 285—threatens Edinburgh, 287—seizes Leith, 288—retreat from it, 289—moves toward the Borders, 290—reluctance of his men to enter England, 298, 299—this at last overcome, 301—measures of defence at Preston, 307, 308—the battle and capitulation, 308 *et seq.*—his escape from Newgate, 333.  
**MacIntoshes**, feud of, with the MacDonalds, vii. 413.  
**Mackay**, General, forces in Scotland under him, vii. 297—exempted from Jacobite indemnity, 347—measures against Claverhouse, 364—movements against him, 365 *et seq.*—seizes Elgin, 366—failure of the northern clans to join him, 367—abortive efforts to bribe them, 368—retreats to the Lowlands, 369—views as to the subjugation of the Highlands, 371—efforts to obtain possession of Blair Castle, *ib.*—moves toward Killiecrankie, 374—battle of Killiecrankie, 375 *et seq.*—his retreat after it, 383—measures after the battle, 384—movements against Cannon, 385—on the position of the Cameronians at Dunkeld, 387—captures Blair Castle, 390—after neglect of him, 393.  
**Mackay's regiment** in the service of Gustavus Adolphus, vi. 218.  
**Mackenzie**, Dr, on Wishart, iii. 257, and note.  
**Mackenzie**, Sir George, his defence of the royal line of Scotland, iii. 417—on the ceremonial of forfeiture, v. 420, note—account of the struggle between Middleton and Lauderdale, vii. 162 *et seq.*—and of the passing of the Billeting Act, 163—his danger after the Revolution, 287—the works of, viii. 554.  
**Mackenzie**, Roderick, seizure of the Worcester by, viii. 106.  
**Mackenzie of Fraserdale**, in arms in 1715, viii. 293.  
**Mackenzies of Kintail**, the, vi. 37.  
**Mackenzies**, the, in the rising of 1715, viii. 257—disarming of, 368.



- Mackmakon**, a Highland chief, seized by James I., ii. 402.
- M'Lauchlan**, Margaret, one of the Wigtown martyrs, vii. 253.
- M'Lauchlan's** 'History of the Early Church,' i. 403, note.
- M'Lauchlan**, Rev. Thomas, his translation of the Dean of Lismore's Book, i. 178.
- MacLauchlans**, the, join Charles Edward, viii. 453.
- MacLaurin**, Colin, viii. 553—his defensive measures at Edinburgh in 1745, 447, 448.
- MacLean**, Sir John, at Killiecrankie, vii. 380—connected with the Queensberry plot, viii. 95, 97.
- MacLean**, the chief of, at Sheriffmuir, viii. 317.
- M'Lellan**, murder of, by Douglas, ii. 423.
- Macleod**, Torquill, rebellion of, iii. 65.
- Macleod** of Doward and his wife, iii. 148.
- Macleod** of Assynt, capture of Montrose by, vii. 5.
- M'Leod**, the Laird of, in 1745, viii. 437.
- M'Leods**, the, in 1745, viii. 475.
- MacMillan**, Rev. Mr., leader of the Cameronians, viii. 239—the Auchenshauch meeting and Declaration, 240—denounced by his lay followers, *ib.*
- MacNeill**, Rev. Mr., leader of the Cameronians, viii. 239.
- MacPherson** of Cluny's "Watch," viii. 378—joins the Pretender, 442.
- Macpherson**, James, and Ossian's Poems, i. 173 *et seq.*, *passim*, iii. 426.
- Macpherson**, on the clan-combat at Perth, ii. 371, note.
- Macpherson's** 'Illustrations of Scottish History,' ii. 28, note.
- Meatians**, the, a Scottish tribe, i. 38, 39.
- Mae-howe**, account of, i. 101 *et seq.*
- Magdalen** of France, marriage of James V. to, iii. 165 *et seq.*—her death, 167.
- Magh** or **Mach Rath**, or **Moyra**, the battle of, i. 201 *et seq.*, vi. 34.
- Magi** in Scotland, the, i. 218.
- Magistrate**, the Second Book of Discipline on his duties, &c., v. 203.
- Magistrates**, civic, early election of, ii. 92.
- Magnus**, King of Man, during Haco's invasion, ii. 32.
- Magnus IV.** of Norway, cedes the Hebrides, &c., ii. 36.
- Magnus Barefoot**, subjugation of the Orkneys and Hebrides by, ii. 27.
- Magnus**, Dr., account of the state of Scotland by, iii. 109, note—report on Beaton's proceedings, 112 *et seq.*—sent as envoy, 126—his reception, 128—his communication to Wolsey, *ib. et seq.*—on the mission of the French ambassadors, 130—on the effects of the defeat and capture of Francis I., 133—his unpopularity, and suspicions directed against him, 134 and note—negotiations for treaty, 135—character of Arran by, 189—form of excommunication given by, 318.
- Maid** of Norway, the, her death, ii. 49.
- Maiden**, the execution of Morton by it, v. 179.
- Maiden Stone** at Benochie, the, i. 144.
- Maldment**, Mr., on the story of Bothwellhaugh, v. 14, note.
- Maillos** or **Melrose**, the Chronicle of, iii. 411.
- Maitland**, Lord Chancellor, v. 272—attempt of Bothwell to seize him, 282.
- Maitland** of Hatton, tried for perjury, vii. 204, and note.
- Maitland** of Lethington, at meeting with Knox regarding the mass, iii. 343—sketch of his character, &c., *ib.*—joins the Lords of the Congregation, 366—doubtful policy of, toward the queen and the Reformers, iv. 31—advocates toleration to the queen, 34—on the Book of Discipline, 35—opposes Knox in the Assembly, 80—proposed letter to Calvin, 81—sent as envoy to Elizabeth, 115—joins in remonstrating against the marriage with Darnley, *ib.*—restored to favour, 161—proposes the divorce of Darnley, 179—attends Mary to Seton after Darnley's murder, 198—on the intended marriage to Bothwell, 206—present at the Council which directs Bothwell's trial, 208—confirmed by Parliament in his acquisitions, 212—carried off by Bothwell, 217—abandons the queen and Bothwell, 234—joins the confederates, 237—during the conferences at Carberry, 242—conference with the queen after her being brought back to Edinburgh, 250 *et seq.*—on the danger of Elizabeth's interference, 305—urges the withdrawal of the English ambassador, 308—again points out the danger of the queen from Elizabeth's intervention, 310 *et seq.*—at last audience of Throckmorton, 315—Murray's difficulties regarding, 358—his answer to the superiority claim, 422—present with Murray at the York conference, 424—the marriage to Norfolk a scheme of his, 436 *et seq.*—at the formal accusation of the queen, 440, note—first symptoms of his joining the queen's party, 456—Murray's hold over him as accessory to Darnley's murder, v. 7—meeting with Seton, &c., *ib.*—denounced as one of the murderers, 8—arrested and sent to Edinburgh, *ib.*—released by Kirkcaldy, *ib.*—openly joins the queen's party, 28—conference with Knox in the Castle, 55—his state of health, 56—account of the conference, *ib. et seq.*—his explanation of his change of sides, 57—appeal to France, 65—the party of, 115—surrenders, 129

- given up to Morton, *ib.*—his death, 129—his character, *ib.*—Buchanan's lampoon on him, 130 and note—his last letter to Morton, 132 *et seq.*—efforts to recover Crown jewels from his widow, 158.
- Maitland, Thomas, forgery by, v. 18.
- Major, John, his ignorance of Tacitus, as shown in his history, l. 17, note—his History of Scotland, iii. 414—account of the Highland forests from, 447.
- Malchus, traditional Bishop of the Isles, l. 391.
- Malcolm, King of Scotland, l. 336—his death, 338.
- Malcolm, Canmore, his accession, l. 347—his reign, 350—coronation, *ib.*—beginning of Norman influence, 351—his marriage to St Margaret, 373—invades England, 375—and again, 377—last invasion and death, 380—his affection for his queen, 383—his character, 384.
- Malcolm II., the reign of, l. 340—his death, 341.
- Malcolm III., charter of, ii. 82, note.
- Malcolm IV., accession and reign of, l. 443.
- Malice, Earl of Strathearn, compelled to do homage by Bruce, ii. 258, note.
- Malis of Strathearn, at the battle of the Standard, l. 437.
- Mallet, the works of, viii. 547.
- Malmoe Castle, Bothwell in, iv. 468.
- Malt-tax, debate on the, 1712, viii. 248—resistance to it, 1724, &c., 352 *et seq.*
- Mambuisson, Edward de, envoy to the Pope, ii. 287.
- Man, Isle of, the sculptured stones of, l. 159—made the seat of the Norse sovereignty, ii. 27—ceded to Scotland, 36—annexed by England, 318.
- Manchester, Lord, at Marston Moor, vi. 362, note.
- Manchester, reception of the Pretender at, viii. 466.
- Mandeville, Roger de, ii. 127.
- Manriquez, Don Juan de, iv. 93.
- Manufactures, attention given by the African Company to, viii. 34—state of, 1688-1748, 513.
- Manwood, description of a royal forest by, l. 433.
- Maormor of the Mearns, the, l. 339—of Ross, defeat of, by Alexander I., 387—his revolt and subjugation under David I., 427.
- Maormors of the northern districts, merged in the Earls of Ross, ii. 56.
- Mar, the Earl of, regent for David II., ii. 310—defeated at Duplin, 315—defeated by Donald Balloch, 403.
- Mar, the Earl of, son of the Wolf of Badenoch, ii. 391—victory at Harlaw, 392.
- Mar, the Earl of, brother of James III., his death, iii. 20.
- Mar, the Earl of, the infant James VI. in his charge, iv. 215—his anxiety regarding the safety of the Prince, 236—one of the Council of Regency, 279—at the coronation of James VI., 285—defeat of the attack on Stirling by, v. 40—succeeds Lennox as regent, 43—his pacific efforts, 73—his death, 88.
- Mar, the Earl of, attempts to seize James VI., v. 163—one of the leaders of the Ruthven Raid, 189—flees to England, 216—during the Gowrie Conspiracy, v. 320, 326.
- Mar, the Earl of, a Covenanter, vi. 230—holds Stirling Castle for the Covenanters, 257—a party to the dealings with France, 288.
- Mar, the Earl of, Secretary of State in 1706, viii. 137—continued as Secretary under Bolingbroke, 223—his letter to George I. on his accession, 254—dismissed from office, and his flight to Scotland, 256—gathering in the North, 257—accession to his forces, 258—address to the chiefs at Braemar, 259—his commission, 260—instructions regarding attack on Argyle, 261—his forces, and capture of Perth, 276—levying of contributions, 277—proclamation, 278—his forces, 279—attempts on Fort William, 280—inactivity at Perth, 284—MacIntosh's expedition to the South, 285—his undecided movements, 313—march to Sheriffmuir, 314—battle of Sheriffmuir, 316 *et seq.*—retreats to Perth, 319—asks terms, 320—arrival of the prince, 321—increasing weakness, 323—burning of the country, 324—retreat from Perth, 325—dispersion of the Highlanders, 326—his escape, 327—forfeited, 348.
- Mar, the Earl and Countess of, v. 382.
- Mar, the Countess of, her forced marriage to Alexander Stewart, ii. 391.
- Mar, the Countess of, James VI. in her charge, v. 135.
- Mar, Lady, viii. 392—attempts of Grange on her, 394.
- Marcellinus, mention of the Scots by, l. 204.
- Marcellus Ulpian, suppression of Caledonian revolt by, l. 37.
- March, Patrick, Earl of, a claimant of the crown, ii. 124, 126—a member of Ballo's Parliament, 319—at Neville's Cross, 328—joins Henry IV., 377—at Homildon Hill, 378.
- March, the Countess of, her defence of Dunbar, ii. 324.
- March, Lady, her connection with the Earl of Arran, v. 177.
- March family, the, their forfeiture under James I., ii. 406.
- Marchmont, Lord, Lord Chancellor, viii. 60—replaced in the Chancellorship, 79—during the debate on the Security

- Act, 83—a leader of the Squadrone, 111—his answer to Belhaven's speech on the Union, 152—the charge of bribery against him, 179, 185.
- Marcus, a claimant of the empire in Britain, i. 47.
- Maree, Loch, origin of name, i. 261.
- Margaret, queen of Malcolm Canmore, i. 373—her death, character, and influence, 380 *et seq.*—where buried, &c., 381, note—her influence in Romanising the Scots Church, 400.
- Margaret, the Princess, affianced to James IV., iii. 56—their marriage, *ib.*—appointed regent, and marries Angus, 85—compelled to surrender her children, 89—birth of a daughter, *ib.*—hostility to her husband, and efforts to bring back Albany, 95—her reception of him, 96—her counsels as to invasion of Scotland, 106—letter from Wolsey to her, 110—engaged to assist in his designs on Beaton, 114, 116—her hatred to Angus, 118—her account of her son, 119—reports of the English ambassadors regarding her, 130 *et seq.*—divorced, and marriage to Harry Stewart, 137—her death, 176.
- Margaret of Denmark married to James III., iii. 8.
- Margaret of England, marriage of Alexander III. to, ii. 24.
- Margaret of France, second queen of Edward I., ii. 220.
- Margaret, daughter of Alexander III., her birth, ii. 26—married to Eric of Norway, 37—her death, 42.
- Margaret of Scotland, the Maid of Norway, her birth, ii. 42—rumour of her death, 49—sources of dubiety, 113—appearance of a claimant ten years after, and her execution as an impostor, *ib.*
- Margaret, daughter of Earl David, descent of Baliol from, ii. 128.
- Marguerite of France, projected marriage of Don Carlos to, iv. 95.
- Marianus Scotus, notices of Scotia by, i. 207.
- Marishal, Earl, a member of the Romanist party, iv. 11—marriage of Murray to his daughter, 45.
- Marischal, Earl, a leader against the Ruthvens, v. 200—sent to Denmark as proxy for James, v. 274—a Covenanter, vi. 234, 236—excepted from Cromwell's indemnity, vii. 47.
- Marischal, Earl, in 1715, viii. 259, 263—landing under, in 1719, 340 *et seq.*—forfeited, 348.
- Marlborough, the Duke of, his views as to legislative union between England and Scotland, vii. 331—indirect effect of his victories in bringing about the Union, viii. 141—his overthrow, 217.
- Marmion, Sir William, iii. 365, note.
- Marriage, recognised among the Culdees, i. 308—Influence of the Church as regards, iii. 314—directions of the Book of Common Order regarding, iv. 338—disregard of, in the Highlands, &c., vi. 34—early disputes between the Church and State regarding it, ii. 346 *et seq.*—the degrees of affinity forbidden, iii. 314 *et seq.*
- Marrow Controversy, the, in the Kirk, viii. 400 *et seq.*
- Marseilles, its antiquity, i. 67.
- Marston Moor, the battle of, vi. 361.
- Martial, use of the name Caledonian by, i. 18—notice regarding the Britons painting themselves from, 198.
- Mary of England, her death, iii. 296.
- Mary of Este, Queen of James VII., birth of her son, vii. 282.
- Mary of Gueldres, marriage of James II. to, ii. 422—connection of an ancestor of Bothwell's with, iv. 175.
- Mary of Guise, marriage of James V. to, iii. 198—custody of the infant queen left with her, 189—character of Arran by her, *ib.*—negotiations of Sadler with her, 197—present at deliberation on the English treaties, 220—appointed regent, 281—her progress through France, and reception in England, 282—installed, 284—her failure to understand the Scots character, 285—her promotion of Frenchmen, 286 *et seq.*—attempt to form a standing army, 287 *et seq.*—her position toward the Reformers, 338—first contest with the Protestants, 346 *et seq.*—address from the Lords of the Congregation, 347—change in her policy, 348—her hostility to the Reformers, and their demands, 350—citation of preachers, and her double-dealing, *ib.*—the outbreak at Perth, 351 *et seq.*—effects of her treachery, 356—terms agreed to, *ib.*—her breach of these, 357—subsequent treaty, which she again breaks, *ib.*—proclamation deposing her, 358—occupies and fortifies Leith, further French aid, &c., 366—her death, 381.
- Mary, Queen, birth of, iii. 183—Arran as regent, 189 *et seq.*—views of Henry VIII. regarding her, 190, 196—Sadler's account of her, 198—treaty for her marriage to Edward VI., 202—her removal to Stirling Castle, 205—removed to Inchmahome, 275—and afterwards to France, 277—her proposed marriage to the Dauphin, *ib.*—her marriage to the Dauphin, 289—stipulations in connection with it, *ib.*—becomes Queen of France, 292—title of Queen of England assumed on her behalf, 297—death of her first husband, iv. 2—life during her widowhood, 3—speculations as to her second marriage, 5—interviews with Murray and Leslie, 9 *et seq.*—efforts of the English ambassadors to secure her for Elizabeth, 13 *et seq.*—a safe-conduct

refused her by the latter, 16—sets sail for Scotland, 18—the voyage, *ib. et seq.*—her landing and reception, 19—first night at Holyrood, 20 *et seq.*—contrast between Scotland and France, 21—her want of a body-guard, 23—her efforts to establish one, 24—presentation, &c., by the citizens of Edinburgh, *ib.*—the Feast of Asses, &c., 25—her difficulties from the religious question, 27—dialogue with Knox, 28 *et seq.*—reaction in progress, 33—meeting regarding the toleration to be allowed her, 34—negotiations with Elizabeth, 42—accompanies Murray against Huntly, 49—refuses to visit the latter, 50—battle of Corrichie, 51—present at Sir John Gordon's execution, *ib.*—her conduct with regard to Huntly, 53—her policy in this, *ib.*—her life at this time, 56 *et seq.*—interview with Knox, 58—in what language did these dialogues take place? 59—prosecutions by the dominant party, 60—dialogues with Knox in connection with these, 61—prosecutions of Romanists in the west, 63—her resolution to restore the old Church, 64—Knox's appreciation of her, &c., 68—reasons for concealment of her policy, *ib.*—coincidence in her course and that of the Guises, 69—her personal qualities and early popularity, *ib. et seq.*—meeting of Parliament in 1563, 71—interview with Knox regarding her marriage, 73—progress through the west, and riot at Holyrood, 74, 75—Knox cited before her, 76—her demeanour, *ib.*—discussion in the Assembly regarding her, 78 *et seq.*—her admirers, 82—plot of Arran to seize her, 83 *et seq.*—Châtelar or Chastelard, and his fate, 86—her French attendants sent back, 88—address of Assembly to her regarding her uncle, 89—the question of her marriage, 90—views, &c., of the Guises, 91—project of marriage with Don Carlos, 92—the Archduke Charles proposed, 95—negotiations renewed regarding Don Carlos, *ib. et seq.*—various other proposals, 97 *et seq.*—correspondence with Elizabeth, 98—proposed interview between them, 99—effect of the Huguenot war, 100—her subtlety, *ib.*—Leicester proposed as her husband, 101—first meeting with Darnley, 106—trial of Bothwell, and his flight, 110—first notice of Rizzio, 111—announces her marriage, 113—relations with Elizabeth, 115—articles presented by the General Assembly to her, 119—attempted insurrection, 120—alleged conspiracy for seizure of her and Darnley, *ib.*—her marriage, 121—creates her husband King of the Scots, 123—his title not acknowledged by England, 124—the confederates and their forces, 125—feudal

citations and fines imposed on recusants, 126—demands aid from France, 127—mission of Castelnau, *ib.*—marches against the confederates, and their flight, 129—her accession to the Catholic league, 135—policy recommended to her, 136—Darnley's character, 137—their estrangement, *ib.*—favours Bothwell's marriage to Lady Jane Gordon, 138—her increasing favour to Bothwell, 140—the plot against Rizzio, *ib. et seq.*—her ignorance of the band for bringing back the exiled lords, 144—the murder of Rizzio, 145 *et seq.*—Darnley's and Ruthven's conversations with her, 147 *et seq.*—the question when she knew of Rizzio's death, 151, note—her change of tone towards Darnley, 153—Rizzio not slain in her presence, *ib.*, note—her demeanour towards Darnley, 153—meeting with the banished lords, *ib.*—their band, 154—escapes with Darnley, *ib.*—takes refuge in Dunbar, 155—letter to Elizabeth, 157—remissions granted the exiled lords, *ib.*—force raised by Bothwell, *ib.*—her return to Holyrood, &c., 158—measures against the murderers, 159—entire alienation from Darnley, *ib.*—birth of James VI., 160—the exiled lords received into favour, *ib.*—arguments against Darnley's departure to France, 161—first indications of her love to Bothwell, 173—his services, *ib.*—estates, &c., conferred on him, 163—her visit to him at Hermitage, 177—her subsequent illness, 178—at Craigmillar, *ib.*—account of proceedings there, *ib.*—her divorce proposed, 179—baptism of the prince, 181—pardon to the conspirators against Rizzio, *ib.*—her visit to Darnley at Glasgow, and proposal to remove him to Craigmillar, 183—his removal to Kirk-of-Field, 184—her movements and proceedings on the night of the murder, 189 *et seq.*—informed of her husband's death, 191—the ambassadors of France, &c., refused inspection of the body, 194—her demeanour, 195—letter to Beaton, *ib.*—reward offered for discovery of the murderers, 196—placards denouncing them, *ib.*—burial of the king, 198—her visit to Seton, and occupations there, 199—correspondence of Lennox with her, demanding justice on Darnley's murderers, *ib. et seq.*—she agrees to the trial of the persons denounced, 203—secret accusations of herself, *ib.*—first hints of the marriage to Bothwell, 204—remonstrances addressed to her, 205—the proceedings on the trial, 208 *et seq.*—letters from Lennox and Elizabeth to her regarding it, 209—his acquittal, 211—meeting of Parliament, *ib.*—the band recommending Bothwell as her husband, 214—her visit to Stirling, 215

--carried off by Bothwell on her return, 216—his divorce, 218—her steps to get this confirmed, 219—commission issued regarding it, 221—their return to Edinburgh, 224—"declaration of the queen's liberty," *ib.*—preparations for the marriage, *ib.*—conduct of Craig regarding the proclamation of the banns, 225—assurance issued with regard to those who recommended Bothwell as her husband, and the marriage-contract, 226—the marriage, 227—their early married life, 228—her instructions to her envoy to France, 229—and to Elizabeth, *ib.*—explanation of these two documents, 230—threatened rising, 233—the flight to Borthwick Castle, 234—escapes from it, joins Bothwell, and flees with him to Dunbar, *ib.*—the confederacy against them, 235—efforts to get her son into her hands, 236—objects of the confederates, 238—her demeanour, &c., at Dunbar, and march against the confederates, 239—the conferences at Carberry Hill, 240 *et seq.*—Bothwell's flight and her surrender, 246—her position, *ib.*—her treatment by Bothwell, 247—her surrender to Kirkcaldy, 248—demeanour during her return to Edinburgh, *ib.*—her reception there, 249 *et seq.*—lodged in the provost's house, and her extraordinary demeanour, 250—her conference with Lethington, and determination to adhere to Bothwell, 251 *et seq.*—letter to him intercepted, *ib.*—her imprisonment resolved on, 252—removed to Lochleven Castle, *ib.*—the casket letters, *ib. et seq.*—mode in which the controversy regarding her has been conducted, 269—the contemporary defences of her, 272, and note—Buchanan's 'Detection,' 275—her abdication, 278—character of the deeds of abdication, *ib.*—commission of regency, 279—this the close of her reign, *ib.*—proceedings of the confederates, 281 *et seq.*—interview between her and Murray at Lochleven, 286—Murray's account of it, 287—her own, 289, note—the French ambassadors refused access to her, 291 *et seq.*—difficulties as regards aid from France, 293 *et seq.*—feeling of Elizabeth, and her attempts at intervention, 295 *et seq.*—danger from these, 298 *et seq.*, 303—the English ambassador refused access to her, 298—her policy in withholding her assent from the Act of 1560, 320—her escape from Lochleven, 358—her life there, 359—her treatment, 361 *et seq.*—the supposed daughter by Bothwell, 362—the plans for her escape, 364—devotion of George Douglas, and tradition of her having had a son by him, *ib.*—abortive attempt at escape, 365—particulars of the escape, 366 *et seq.*—flight to Niddry, 367—arrival at Hamilton

Palace, and gathering of her adherents, *ib.*—her abdication revoked, 368—ambassadors sent to England and France, and message to Murray, *ib.*—bond signed by her adherents, 369—feeling of the English Court, 370—ambassadors sent to her, 372—march for Dumbarton, *ib.*—the battle of Langside, 373—her flight, 374—embarks for England, 375—reasons for this, 377—her probable reception in France, 378—probabilities had she escaped to Spain, 379—her reception in England, and removal to Carlisle, 380—her letter to Elizabeth, *ib.*—her communications with the English Romanists, 381—interviews of Knollys with her, 382 *et seq.*—danger from her to England, 385—her appeals for aid to France, 387—memorial to the European Courts, 388—her appeals to Queen Elizabeth, 389—her anticipations from a personal meeting, 391—necessity for her removal from Carlisle, 392—removed to Bolton Castle, 394—her ambassador refused a safe-conduct to France, 396—negotiations of Lord Herries on her behalf, 397—views of Elizabeth, 398—her interview with Middlemore, 399—her views, 404—fresh demand for a personal interview, 405—proposal for a mutual deputation, *ib.*—her restoration urged on Elizabeth by Herries, 407—discussion on her assumption of the arms of England, 408—her evasions of resignation of this claim, 409—Herries's report of the result of his mission, 410—her hypocrisy as regards the Church and the mass, 411—her devotion to the Church of Rome, 412—her instructions on the Church question, 413—the Commission at York, 414—her private instructions, 416—reference in these to the casket letters, *ib.*—instructions regarding her restoration, 418—discussion as to the course to be taken should the alleged crimes be proved, *ib.*—course of Elizabeth regarding her, 425—her first statement at the conference, *ib.*—the English Commissioners on the casket letters, 427—fresh instructions from Elizabeth, 430—the conference removed to London, 431—course taken by her commissioners on the appointment of additional English ones, *ib.*—Leslie's account of interview with her at this time, 432—the project of her marriage to Norfolk, 434—his belief in her guilt, 435—agrees to divorce from Bothwell, *ib.*—the marriage to Norfolk a scheme of Lethington's, 436 *et seq.*—production of the casket letters, and formal accusation of her, 438 *et seq.*—demeanour of Elizabeth toward her on this, 441 *et seq.*—the Book of Articles against her, 443—report on the letters, 444 *et seq.*—her silence as

- to their being forgeries, 446—the evidence of Craufurd, 449 *et seq.*—refusal by Elizabeth of personal interview, 451—offers made by Elizabeth to her, 453— instructs her Commissioners to withdraw, 454—counter-charge against Murray, *ib.*—adjustment proposed by Elizabeth, 457 *et seq.*—judgment of the commission, 461—its termination, *ib.*—message from Elizabeth on her restoration, v. 11—discussion of her marriage to Norfolk, *ib.*—her exultation on the assassination of Murray, 18—her complicity in it believed, 19, and note—effect of the English invasion in consolidating her party, 28—Knox's reasons for refusing to pray for her, 48 *et seq.*—Gordon's on the other side, 52—meeting of Parliament in her name, 63—the strongholds of her party, 68 *et seq.*—effect of the St Bartholomew Massacre on her party, 94—Leslie's negotiations and plots on her behalf, *ib. et seq.*—his opinion as to her guilt, 95—negotiations for her restoration, 97—the terms proposed, 98—mission of the king's party, 100 *et seq.*—alleged project of marriage to Anjou, 102—the secret understanding with Philip II., 104 *et seq.*—discovery of the plot, 105—mission to her on it, 107—charges brought against her, and her answer, 108—her policy regarding the English throne, 109—secret negotiations for her surrender, 111—continued danger to England from her, 134—transactions regarding her crown jewels, 155 *et seq.*—rumours regarding her by the English spies, 183—plots on her behalf against Elizabeth, 242—her position, *ib.*—letters to Norfolk, 243, note—other alliances suggested, 243—her occupations, 244—letters to Elizabeth, *ib. et seq.*, and notes—removal to Tutbury, Chatsworth, and then to Sheffield Castle, 248—taken back to Tutbury, 249—her French dowry, 250—removal to Chartley, and the trap laid for her there, *ib.*, 251—removal to Tixall, and finally to Fotheringhay, 251—her share in the conspiracies against Elizabeth, *ib.*—probable views of foreign powers on her death, 252—mission from her son on her behalf, 253—her execution a political necessity, 256 *et seq.*—the letter counselling her secret murder, 257—her last days and death-scene, 258—her funeral, 259—indifference to her execution in Scotland, 260—conduct of the clergy, 261—her bequest of the crown, &c., to Philip II., 264—sketch of her in contrast to her son, 372 *et seq.*
- Mary, the Princess, afterwards Queen, her relationship to the Crown, vii. 283—vigour and energy shown by, 345—the Montgomery Plot, and her examination of the conspirators, 346 *et seq.*—her death and character, viii. 78.
- Mary, the Princess, sister of James III., married to the Earl of Arran, iii. 8—her fidelity to him, 12—divorced, and married to the head of the Hamiltons, 13.
- Mary, the Princess, proposal for marriage of James V. to, iii. 111.
- Mary, daughter of the Duc de Vendome, projected marriage of James V. to, iii. 164.
- Masone, Sir John, English ambassador to France, iii. 282.
- Mathew Paris, the Chronicle of, iii. 412—notice of the marriage of Alexander III. to the Princess Margaret from, ii. 24.
- Mathew of Westminster, the Chronicle of, iii. 412.
- Matilda, daughter of Malcolm Canmore, married to Henry of England, i. 385.
- Matilda, wife of David I., i. 426.
- Maud or Matilda, the Empress, i. 428.
- Maud or Plaid, the, viii. 528.
- Mauvissière on the Crown Matrimonial, iv. 138.
- Maximus, attempt to usurp the empire by, i. 47.
- Maxwell, Lord, one of the “assured lords,” iii. 190—sent to the Tower, 213—surrenders Caerlaverock Castle, 243 *et seq.*—indemnity to, v. 117—his power on the Border, 234—rebellion, and forces under him, 235—threatened insurrection, and his arrest, 265.
- Maxwell, Sir Robert, appropriation of Church revenues by, v. 448.
- Maxwell, the Master of, iv. 76.
- Maxwell of Kirkconnel, his account of the battle of Culloden, viii. 490.
- Maxwells, the, their influence for the queen on the Borders, v. 68—their support of the Popish party, 286.
- Maybole, old houses in, iii. 435, vi. 206, note.
- Meadowbank, Lord, on the Glen Tilt case, ii. 77, note.
- Mearns, the, subdued by Kenneth III., i. 339.
- Medina, Sir John, the painter, viii. 536.
- Melgie, the sculptured stones in, i. 142, note.
- Meldrum, executed for the burning of Frendraught, vi. 212.
- Meldrum Robert, commissioner to Westminster Assembly, vi. 381.
- Melgund Castle, style of, iii. 434.
- Melrose Abbey, founded, i. 442—ancient law regarding the monks, ii. 61—destroyed by the English, 290—and again, 354—desecration of the tombs of the Douglasses at, iii. 236—destroyed by Hertford, 248—the Chronicle of, 411—its architecture, 430—abbacy conferred on Bothwell, iv. 163.



- Melville, Andrew**, his *Scottish Topography*, l. 18, note—one of the censors of the press, iv. 322—leader of the Presbyterian party, and his character, v. 149—leader in the compilation of the *Second Book of Discipline*, 203—cited before the king, 215—retires to England, *ib.*—congregation formed there, 216—last interviews with Buchanan, 211—accompanies James VI. against Huntly, 295—his conduct to Adamson, 298—at the meeting of the Estates regarding the Popish lords, 307—one of deputation to the king, 308 *et seq.*—final contest with the Crown, 433—at the Assembly at Aberdeen, *ib.*—fall of his party, 436—his interviews with the king, 437 *et seq.*—scene with Bancroft, 438—banished, 439—his death and character, *ib. et seq.*—Dr M'Crie's Life of him, 440, note.
- Melville, Sir James**, envoy to Elizabeth, iv. 100—his account of her, 101—interim secretary to the queen, 157—on the estrangement between Darnley and her, 159, 160—announces the birth of James VI. to Elizabeth, 160—his report of the queen's demeanour on her husband's death, 191, note—account of the first hints of the intended marriage to Bothwell, 205—his remonstrance, 206—account of the abduction of the queen, 216, 217—carried to Dunbar with her, 217—account of Bothwell on the evening of his marriage, 227—negotiates the surrender of Edinburgh Castle, 236—account of the surrender of the queen, 248—report of the queen's last letter to Bothwell, 252—account of the formal accusation of the queen, 440, note—his character, v. 71—views as to the real policy of England, *ib.*—his counsels, 73—on the Tulchan bishops, 82—character of Kirkcaldy, 126—on the death of Lethington, 129—picture of the early household of James VI., 135—his account of the young king's acquirements, 137—account of Arran by, 218—embassy to Denmark proposed to him, 272.
- Melville, James**, one of the conspirators against Beaton, iii. 262.
- Melville, James**, his sketch of John Knox, v. 32—account of Durie's reception in Edinburgh by, 209—and of the last days of Buchanan, 211 *et seq.*—account of one of the Armada, 266—of the death of Catherine, and the murder of the Guises, 268—on the increase of Popery, 285—extracts from his *Memoirs*, 307, 308—summoned to London, 437—account of meeting there, 438—sentence on him, 439.
- Melville, Sir Robert**, the queen's instructions to him regarding her marriage to Bothwell, iv. 230—envoy to the Hamiltons, 282—surrenders to the English, v. 124, 125—his remonstrances against Mary's execution, 253.
- Melville, Lord**, Secretary of State, his character, vii. 303—revelation of Montgomery Plot to, 344—his measures regarding it, 345—indemnity promised to Montgomery, 347—exempted from Jacobite indemnity, *ib.*—orders the torturing of Neville Payne, 349—appointed Commissioner, 351—his public instructions, *ib.*—and secret ones, 352—commissioner to Assembly of 1690, 437—measures for securing moderation in it, *ib.*—removed from the Presidency of the Council, viii. 80.
- "Men," the, their rise in the Highlands, viii. 430.
- Menipeni**, *Sieur de Concrescault*, iii. 19.
- Menteith, the Earl of**, curious case of, ii. 346, note.
- Menteith, the Earl of**, executed, ii. 330.
- Merchant Guilds**, the early, ii. 93.
- Merlin**, the legends regarding, l. 170.
- Mesnage, the *Sieur***, iii. 226.
- Meston**, the works of, viii. 547.
- Methven, Paul**, the case of, iv. 90.
- Methven**, defeat of Bruce at, ii. 247.
- Meusnier de Querlon**, poem by, assigned to Queen Mary, iv. 263, note.
- Meynville, M.**, sent as ambassador to James VI., v. 197, 199—popular insult to, 210.
- Michael**, building of the, by James IV., iii. 67—sold to France, 72.
- Middlemore, Henry**, English envoy to Scotland, iv. 399—his interviews with Mary at Carlisle, *ib. et seq.*—letter through him to the regent, 401.
- Middleton, General**, taken prisoner at Worcester, vii. 41—commands Glencairn's expedition, 68 *et seq.*—defeated at Lochgarry, 71—leaves Scotland, 72—commissioner after the Restoration, 143—directions regarding the Act Rescissory, *ib.*—letter from Sharp on Episcopacy, 145—struggle between him and Lauderdale, 162 *et seq.*—his dismissal and resignation, 168 *et seq.*—his project for executing the younger Argyle, 243.
- Mildmay, Sir Walter**, conference with Leslie, v. 103.
- Mile Act**, the, vii. 160.
- Military Roads**, construction of, in the Highlands, viii. 369 *et seq.*
- Military service** under the feudal system, l. 363.
- Mill, Walter**, executed for heresy, iii. 299—effect of his execution, 347.
- Millar, Bishop**, viii. 419.
- Millenary party** at the Hampton Court conference, origin of the name, their views, &c., v. 423 *et seq.*
- Millenary petition**, the, v. 423, and note.
- Minerals**, abundance of, in Scotland. i. 83.

- Mines, early Scottish, iii. 444.
- Miracles, Medieval, commemoration of, in the Breviary of Aberdeen, iii. 329 *et seq.*
- Mitchell, Rev. W., one of deputation to the king for redress of grievances, viii. 385, note.
- Mitchell, his attempt on Sharp, vii. 199—his arrest, 201 *et seq.*—his trial and execution, 202 *et seq.*
- Mitchell, Professor, 'The Wedderburns and their Work,' by, iv. 350, note.
- Mitton, the battle or "chapter" of, ii. 281.
- Moderator, origin and first use of the title, iv. 327, 340.
- Mohun, Lord, his duel with the Duke of Hamilton, and death, viii. 249.
- Moir of Stonywood, joins the Pretender, viii. 474.
- Monarch, the, his position under the feudal-system, i. 359.
- Monastic houses, attacks by the mob on, iii. 250—orders, the, their organisation, i. 394 *et seq.*
- Monasticism, character of, in the early Irish Church, i. 242.
- Monk, General, at the battle of Dunbar, vii. 26—the storming of Dundee, 41 *et seq.*—one of the Union commissioners, 52—movements against Glencairn's expedition, 70—his march to London after Cromwell's death, 76—his treachery toward Argyle, 151, note.
- Monks, slaughter of, at Mitton, ii. 281.
- Monmouth, the Duke of, his marriage, vii. 185—commands against the Covenanters, 226—negotiations, 232—battle of Bothwell Bridge, 233—the insurrection under him, and its suppression, 258 *et seq.*—communications with Argyle, 259.
- Monnypenny of Pitmelly, one of the conspirators against Beaton, iii. 266.
- Monro, General, proceedings against the Royalists, vi. 321 *et seq.*—conduct of his troops, 322—commands the Scots force in Ireland, 349, 350.
- Monro, Sir George, defeats Argyle at Stirling, vi. 420—quarrel and duel with Glencairn, vii. 69.
- Monro, Colonel Robert, envoy from the Covenanters to Huntly, vi. 216—his history of Mackay's Regiment, 218.
- Monro, Principal Alexander, vii. 447, 460, note.
- Monro, the Anatomist, viii. 553.
- Monros, the, desert Huntly, iv. 50.
- "Mons Grampius," the battle of the, i. 6 *et seq.*—various sites assigned to it, 13—alleged by Wex to be a clerical blunder, 16.
- Monstrous Regiment of Women,' Knox's book on the, iii. 362—his explanation of it with reference to Elizabeth, 363, and note.
- Montalembert's 'Monks of the West,' i. 267, note.
- Monteith, Alexander de, capture of Wallace by, ii. 226.
- Monteith, the Earl of, head of the Comyns, ii. 26.
- Monteith, the Lake of, Queen Mary's residence on, iii. 275.
- Montgomery, the Sieur de, iii. 292.
- Montgomery, the poems of, iii. 419.
- Montgomery, Archbishop, excommunicated, v. 209.
- Montgomery, a party to the dealings with France, vi. 288.
- Montgomery, Hugh, one of the Union Commissioners, viii. 117.
- Montgomery, Sir James, one of the Commissioners to William III., vii. 294—implicated in Jacobite plot, and betrayal of it, 344—his examination, 346—his after fate, 351.
- "Month" or "Mount," an old name for the Grampians, i. 15, 17, and note.
- Montjoy, project regarding the succession proposed to James VI. by, v. 354.
- Montluc, at the conference between Catherine and Alva, iv. 134.
- Montrose, Lord, signs the band for the queen, iv. 377, note.
- Montrose, the Marquess of, a leader of the Supplicants, vi. 182, note—his subscription to the Covenanters' fund, 221—commissioner to Aberdeen, 233—commands in the north, and proceedings at Turriff, 236—his entrance into Aberdeen, 238—proceedings there, *ib.*—seizure of Huntly, 241, *et seq.*—again sent northward, 247—siege of Gight Tower, and his retreat, 249—again marches north, 250—defeats the Cavaliers at Stonehive, 251—passage of the Bridge of Dee, 252—again occupies Aberdeen, *ib.*—pacification of Berwick, 253—a party to the dealings with France, 288—heads the passage of the Tweed, 301—suspected by the Covenanters, and correspondence with the king, 331 *et seq.*—his probable motives, 332 *et seq.*—the "incident," 334 *et seq.*—his Highland campaign, 363—his plans and commission, 364—his arrival in the Highlands, 365—joined by the Irish force, and raising the Highlanders, 366—battle of Tippermuir and capture of Perth, *ib.*—and Aberdeen, 368—inroad into Argyle, 369—victory at Inverlochy, 370—captures Dundee, *ib.*—victory at Auldearn, 371—at Alford, 372—and at Kilsyth, 373—difficulties of his position, *ib.*—evasions of the Highlanders, 374—named Viceroy of Scotland, and march to the Borders, *ib.*—force sent against him, 375—defeated at Philiphaugh, 376—his fame, *ib.*—his commission with-



- drawn, 407—his landing in the Orkneys, vii. 4—defeated and captured, 5—his execution, *ib. et seq.*—parallel between him and Claverhouse, 359, 360.
- Montrose, burial service formerly used in, iv. 347, note—contributions levied by Mar on, viii. 277—landing of French force in 1745 at, 473.
- Monumenta Historiæ Britannicæ, the, i. 41.
- Monypenny, settlement of, in France, and return of a descendant as ambassador to Scotland, iii. 19.
- Morality, report of the Assembly of 1596 on its state, v. 305, *et seq.*—state of, subsequent to the Reformation, vii. 112, *et seq.*—efforts of the Kirk for its enforcement, 1716, &c., viii. 388.
- Moray, Andrew de, joint-commander with Wallace, ii. 194, 196.
- Moray, bishopric of, founded by David I., i. 442.
- Moray, the Earl of, invasion of England under, ii. 359—killed in battle, 429.
- Moray, the Bishop of, attacked by the Wolf of Badenoch, ii. 390.
- Moray, the Bishop of, arraigned before the Assembly, v. 147.
- Moray, the Bishop of, under James VI., his pecuniary difficulties, v. 451.
- Moray, Randolph, Earl of, see Randolph.
- Mordaunt, Colonel, viii. 192.
- Morgan, General, defeats Middleton, vii. 70.
- Morgan, the Buccaneer, viii. 45.
- Morken, King, and St Kentigern, i. 236.
- Mortlach, alleged defeat of the Danes at, i. 341, note.
- Morton, the Master of, afterwards the regent, conference with Hertford, iii. 235—at Queen Mary's marriage, iv. 121—a principal in the murder of Rizzio, 145—at the meeting between the queen and the banished lords, 153—their meeting at his house, 154—outlawed for Rizzio's murder, 159—his own account as regards the bond for Darnley's murder, 182—confirmed in his estates, 213—attempt to seize the queen and Bothwell, 234—the casket letters discovered by, 253—they in his hands at the time of his death, *ib.*—one of the Council of Regency, 279—oath at the coronation of the prince, 283—accompanies Murray to Lochleven, 286—at the last audience of Throckmorton, 315—Murray's difficulties regarding, 358—at Langside, 372—one of the commissioners to York, 417—captured during the attack on Stirling, 40—but released, 41—proposed as regent, 43—procures election of Douglas to archbishopric of St Andrews, 75—his saying at Knox's burial, 87—elected regent, 90—his surrender of Northumberland, *ib.*—mission to London on behalf of the king's party, 99—the conference there and its results, 100—demands the surrender of Lealia, 109—secret negotiations for surrender of Mary, 113—proceedings against Balfour, 118—siege of Edinburgh Castle, 124 *et seq.*—its surrender 125—execution of Kirkcaldy, 126—Lethington's last appeal to him, 132 *et seq.*—his character and government, 133—state of the country, *ib. et seq.*—supported by Elizabeth, 141—his difficulties with the Church, *ib. et seq.*—attempts to force the system of lay eldership on him, 143—his scheme regarding the stipends of the clergy, 150 *et seq.*—his firm government, 152—the raid of the Redeswire, and his negotiations with England, 153 *et seq.*—meeting with Huntingdon regarding it, 154—proceedings regarding the Crown jewels, 155 *et seq.*—his measures for their recovery, 157—quarrel with Argyle, and intervention between him and Athole, 159—conspiracy against him, 160—efforts to obtain possession of the prince, *ib.*—dispossessed of the regency, 161—his conduct as regards the Crown property, &c., 162—Act of Indemnity, &c., *ib.*—recovers possession of the king, 163—*et seq.*—the charge of poisoning Athole, 165—recovery of his power, and proceedings against the Hamiltons, *ib. et seq.*—on the king's favourite Lennox, 170 note—accused of the murder of Darnley, 177—his trial and execution, 178—his last hours, 179 *et seq.*—efforts of the English Court to save him, 181—his Calvinistic leanings, 202.
- Morton, at the Ripon conference, vi. 312.
- Mounth, the (Mount, Cairn O'Mount), the great division between north and south, i. 15.
- Moussa, the burgh of, i. 92.
- Mowbray, Sir John de, a member of the Scots Council, ii. 230, and note—governor of Stirling Castle, 261—surrenders it after Bannockburn, 271.
- Mowbray, one of the disinherited barons, ii. 321.
- Moygne, Marjory, the lawsuit of, ii. 90, note—it appealed to Edward I., 158.
- Moyra or Magh Rath, the battle of, i. 291 *et seq.*, vi. 34.
- Muir, Mr, his work on ancient Scottish churches, i. 249, ii. 104, notes.
- Muir, Sir William, his version of the Psalms, vi. 399.
- Municipalities, Roman, i. 66, ii. 83—their progress in Scotland, 83 *et seq.*—early harmony between those of Scotland and England, 95.
- Murdoch, Duke of Albany succeeds his

father, ii. 396—arrested and executed with his sons, 401.  
 Mure, Elizabeth, marriage of Robert II. to, ii. 345—the question as to the legitimacy of her children, *ib. et seq.*  
 Murray, Andrew, chosen regent, and victory at Culbleen, ii. 323—his death, *ib.*  
 Murray, the Earl of, one of the commissioners to France on Queen Mary's marriage, iii. 289—moderate counsels of, 356—interview with the queen-mother on her deathbed, 381—visit to his sister in France, iv. 9—defends the door of the queen's chapel during mass, 28—at the interview between her and Knox, *ib.*—advocates toleration to her, 34—his system of administration, 42—his marriage, 45—created Earl of Mar, 46—expedition against the Borderers, *ib.*—and to the north, 47—struggle with Huntly, 49 *et seq.*—quarrel with Knox, 72—difficulties of his position, 81—supports the proposed marriage to Leicester, 102—brings on the trial of Bothwell, 109 *et seq.*—his difficulties on the approaching marriage of the queen, 114—his opposition to it, 117—retires to Lochleven Castle, 120—alleged conspiracy to seize the queen and Darnley, *ib.*—heads the combination against them, 123—cited to appear, 124—heads the barons at Paisley, 125 *et seq.*—secret aid intended by Elizabeth to him, 130—disavowed by her, 132—accused of complicity in the murder of Rizzio, 150—his reception by the queen, 154—restored to favour, 160—his denial of knowledge as to the murder of Darnley, 180—leaves Edinburgh before it, 188—his departure for France, 204—confirmed in his acquisitions, 213—named regent, 279—his position as regards the Hamiltons, 281—doubt as to his accepting the office, 285—his journey home, 286—interview with the queen at Lochleven, *ib.*—inaugurated as regent, 289—removal of Balfour from command of Edinburgh Castle, 290—his views with regard to the French alliance, 294 *et seq.*—interviews with Throckmorton, 309 *et seq.*—proposes sending an ambassador to England, 309—fresh interview with the English ambassador, 310 *et seq.*—announcement of his policy, 311—his answer as to proceedings in the event of Bothwell's capture, 314—Throckmorton's last audience, 315—his administration, 356—measures toward the Borderers, *ib.*—execution of subordinates in the murder of Darnley, 357—his difficulties with regard to the higher agents, 358—hostility of the Hamiltons, *ib.*—measures on Mary's escape, 368—his danger at Glasgow, 369—forces, 372—the battle of Langside, 373—his agent

at the English Court, 399—Middlemore sent as envoy from Elizabeth to him, 401—his answer, 402—difficulty with regard to Elizabeth, 403—proposal for his coming to England, 405—on the queen's feigned inclination toward the English Church, 412—one of the commissioners to York, 417—his anxiety as to the course of Elizabeth should the alleged crimes be proved against Mary, 418—his difficulties, 420—his anger at the superiority claim, 422—hesitates as to the charge of murder, 425—his statement in defence, 426—his "Articles," *ib.*—Elizabeth's answer, 429—favours the marriage to Norfolk, 436, 437—still withholds the accusation of the queen, 439—production of the casket letters, 440—the "Book of Articles" against the queen, 443—counter-charge against him, 454 *et seq.*—judgment of the commission, 461—acknowledged by the English Government, *ib.*—loan from England, 462—his internal measures, v. 1—his return, 4—supported by the English Government, *ib.*—treaty with the Hamiltons, 5—his alleged treachery toward them, 6—proceedings against Huntly, *ib. et seq.*—effects of the Northern rebellion in England, 7—his hold over Lethington, &c., 8—arrests Lethington, *ib.*—measures against the Borderers, *ib.*—his alleged misstatements regarding French Paris, 10—measures on the Borders, and capture of Northumberland, 11—negotiations for the transference of Mary to Scotland, *ib.*—his assassination, 14 *et seq.*—his character, 15—forged account of conference for conferring the crown on him, 16 *et seq.*—Knox's opinion of him, 18—feeling excited abroad by his murder, *ib.*—his sale of part of the Crown jewels, 156—Morton's proceedings to recover others of them from his widow, 158.

Murray, the Earl of, v. 289—his slaughter by Huntly, 290.

Murray, Lord Charles, viii. 331.

Murray, Lord George, joins the Pretender and his character, viii. 444—at Prestonpans, 452, 454—jealousy between him and Drummond, 464—the march to Derby, 467—commands the rear during the retreat, 475—action at Clifton, 476—defeat of Loudon, 485—at Culloiden, 490.

Murray, Lord John, communications with Claverhouse and Mackay, vii. 373—joins Mackay before Killiecrankie, 374.

Murray, John, of Broughton, negotiations with France, viii. 433—joins the Pretender, 438—as witness against Lovat, 498.

Murray, John, v. 447, 458.

- Murray, Sir Patrick, of Auchtertyre, viii. 267.  
 Murray of Stanhope, connected with the Queensberry Plot, viii. 95.  
 Murray, Sir Robert, vii. 166, 183.  
 Murray, W. (Lord Dysart), vi. 195.  
 Murray, Lady, her Memoirs, vii. 262 *et seq.*  
 Music, vocal, employed by the Scots Kirk, iv. 350—of Scotland, the, vii. 94 *et seq.*  
 Musselburgh, Roman remains at, i. 48, note, 55.  
 'Mystery of Iniquity,' the, its account of the commission to Sir Phelim O'Neill, vi. 346, 347, note.  
 Nairn, Lord, in 1715, viii. 259—his trial, 334—not executed, 336—at Prestonpans, 453, 454.  
 Nairn, Major, shot after 1715, viii. 331.  
 Naitan, King of the Picts, Ceolfrid's letter to, i. 273.  
 'Naphtali,' vii. 275, note.  
 Napier, Lord, a Covenanter, vi. 239—proceedings of the Covenanters against, 331.  
 Napier, the inventor of logarithms, vii. 97.  
 Naseby, the battle of, vi. 403.  
 Nasmyth, the Rev. James, viii. 405.  
 Nastrond of the Norsemen, i. 225.  
 National records, loss of, vii. 143.  
 "Nations," the, in the universities, iii. 404.  
 Nau, Queen Mary's secretary, v. 250.  
 Navigation, progress of, in Scandinavia, i. 307.  
 Navigation Act, the, its influence on Scotland, vii. 121, 185.  
 Navy under James IV., iii. 66 *et seq.*  
 Nechtans-mere, the battle of, i. 281.  
 Neck, the, in the Norse mythology, i. 227.  
 Negative Confession, the, v. 206.  
 Nelson, evidence of, regarding Darnley's murder, iv. 184.  
 Nemours, the Duke of, iv. 98.  
 Nennius on Arthur's Oon, i. 53—notice of St Palladius by, 240, note.  
 Ness, Loch, armed galley on, viii. 369, 372.  
 Neville, Sir Ralph, at Neville's Cross, ii. 327.  
 Neville's Cross, battle of, ii. 327.  
 Newbattle, Monastery of, i. 442.  
 Newburn, battle of, vi. 302.  
 New Caledonia, the Darien colony to be called, viii. 42.  
 Newcastle, the Marquis of, vi. 360—his defeat at Marston Moor, 361.  
 Newcastle, the Duke of, his alleged indecision in 1745, viii. 467.  
 Newcastle, the ancient Pons Æliff, i. 26—its origin, 373—treaty of, ii. 18—Melville and the banished lords at, v. 216 *et seq.*—its capture by the Covenanters, 304 *et seq.*—contributions levied, 306—its importance, 356 *et seq.*—its capture by the Scots, 358 *et seq.*—removal of Charles I. to, 404.  
 New Edinburgh and St Andrews, proposed towns of, in Darien, viii. 42.  
 New Forest, formation of, i. 433.  
 New Grange, the cairn at, i. 101.  
 New Kirkpatrick fort, i. 34, note.  
 Newton stone, the inscription on, i. 149.  
 New York, arrival of the fugitive Darien colonists at, and their reception, viii. 51.  
 Nice, the Council of, determination of the time of Easter by, i. 267.  
 Nicholson, Bishop, iii. 412, note.  
 Nicholson, Sir Thomas, vi. 198.  
 Nicolas, his 'Siege of Caerlaverock,' ii. 215.  
 Nicoll, Professor James, on flint instruments, i. 129.  
 Nicolson, James, v. 308, 344.  
 Niddry Castle, iii. 434—Queen Mary at, iv. 367.  
 Nisbet Moor, defeat of Scots at, ii. 378.  
 Nithsdale, Lord, vi. 77 *et seq.*  
 Nithsdale, Lord, his trial and condemnation, viii. 334—his escape, 333, 336.  
 Nobility, the, oppose formation of a standing army, iii. 288—their views as to the property of the Church, 311—oppose the Book of Discipline, iv. 34—their position on the accession of James VI., v. 395.  
 Noble, William, vii. 204.  
 "Nonhearers," the, among the Cameronians, viii. 241.  
 "Nonjurors," the, among the Episcopalians, viii. 234—in Scotland, Liturgies used by them, 220, note—measures against, after 1715, 338.  
 "Nons," the, among the Presbyterians, viii. 234, 235.  
 Norderies or North Hebrides, the, ii. 28.  
 Norfolk, the Duke of, his attempts to secure the person of Beaton, iii. 114—correspondence with Wolsey regarding this, 115 *et seq.*—letter from Wolsey to, 127—ordered to invade Scotland, 182—his forces and difficulties, *ib.*—represents Elizabeth in the treaty of Berwick, 367—a member of the English commission, iv. 414—conference with Leslie regarding the casket letters, &c., 433—the project of his marriage to Mary, 434 *et seq.*—his belief in her guilt, 435—opposes her accusation, 438—a party to the agreement with Philip of Spain, v. 104—discovery of the plot, 105, 107—his execution, 107—extracts from Mary's letters to him, 243, and note.  
 Norham, Herbert de, execution of, ii. 245.  
 Norham, meeting summoned by King Edward at, ii. 117—ruins of the castle,

- 119, note—besieged by the Scots, 302—adventure at, 365, note—captured by James IV., iii. 75.
- Norman castles, of the time of Stephen, i. 431—early, unknown in Scotland, 435, ii. 98—their different styles, ii. 98.
- Norman chivalry, their scorn of the lower orders, ii. 181.
- Norman church architecture, remains of, iii. 427 *et seq.*
- Norman Conquest, the, its effects, i. 351 *et seq.*—migration of Saxons caused by it, 373.
- Normans, their power of organisation, i. 352—their influence in Scotland, 353—relations to the Roman empire, 354—rise of the feudal system, 355 *et seq.*—their establishment in the northern counties, 428—their increasing tyrannies in England, 431 *et seq.*—their forest laws, 432 *et seq.*—sources of their success, ii. 14 *et seq.*—their unpopularity, 15—their settlements in the Highlands, 16.
- Norns or Fates of the Norse mythology, the, i. 227.
- Norris, letter from Cecil on Mary's flight to England, iv. 386.
- Norris, Sir John, defeats the French invading fleet in 1745, viii. 431.
- Norse chief, account of the incrimination of a, i. 109, note.
- Norse mythology, its prevalence in Scotland, i. 222—sketch of, 223 *et seq.*—its harmony with the spirit of the people, 230—attempts to derive it from Eastern sources, &c., 231.
- Norsemen, their absorption by the Irish Celts, i. 207—their ravages in Iona, &c., 276—influence of the Celtic civilisation on them, 297—their true position, 300—their first settlements in Britain, 303—their origin, 304—progress and direction of their settlements, 305 *et seq.*—their character as seamen, 306—their fleets, 308—character of their boats, 310—character of their descents, 313—their heathenism, 314—influence of Christianity on them, 316—their various settlements in Britain, 319—in the Scots Isles, *ib.*—invasion in the time of Alexander III., ii. 26 *et seq.*—their settlements in Orkney, &c., 27—circumstances which led to the invasion, 30 *et seq.*—battle of Largs, 34 *et seq.*
- North, predominance of Episcopacy in the, vii. 460 *et seq.*—Act of 1795 for securing pastors for it, 462.
- Northallerton, the battle of, i. 438 *et seq.*
- Northampton, the treaty of, ii. 303.
- Northumberland, the Earl of, raid under, ii. 350—his account of Argyle's fall, iii. 150—and of Earl Bothwell, *ib.*—on the unpopularity of James V., 151—fresh raid, 153—danger as regards Mary in connection with him, iv. 393 *et seq.*—joined to the Council on the casket letters, 445—sold by Morton to the English, and executed, v. 90.
- Northumberland, the Earl of, on the condition of the troops, &c., in 1640, vi. 296, and note.
- Northumbria, mission from Iona to, i. 268—struggle between, and the Picts, 281—the Celtic mission to, 296—subdued by Athelstane, 333—invaded by the Scots, 335—invaded by Malcolm Canmore, 375—surrendered by Stephen, 440—surrendered by Malcolm IV., 444.
- Norway, Scotland peopled from, i. 304—its physical structure as adapted to the cruises of the Vikings, 305 *et seq.*—attempts of the kings to assert their sovereignty in Orkney, &c., ii. 27 *et seq.*—the Hebrides, &c., ceded by her, 37—voyage of James VI. to, v. 274.
- Nottingham, the Earl of, raid into Scotland under, ii. 350.
- Nottingham, the Earl of, opposes the Union Act, viii. 190, 193.
- Nova Scotia, the colonisation of, vi. 62 *et seq.*
- Nuraghis of Sardinia, their resemblance to the burghs of Scotland, i. 94, note.
- Nye, an Independent, vi. 388.
- Oaths, character, &c., of, under the feudal system, i. 430, ii. 259.
- O'Brien, H., on the round towers, ii. 103, note.
- O'Brien, Colonel, an emissary of the Pretender's, viii. 473.
- Ochiltree, Lord, marriage of his daughter to Knox, v. 85.
- Ochterlony, Bishop, viii. 426.
- Octavians, their appointment, &c., v. 299.
- "Officers of State," what, in Scotland, vii. 353, note.
- Ogham or Ogam writing, i. 148 *et seq.*
- Ogilvie, Lord, one of the queen's party, iv. 377, note.
- Ogilvie, Lord, in 1715, viii. 258.
- Ogilvie of Findlater, iv. 49.
- Ogilvie, a suspected Papal agent of James VI.'s, v. 287, note—the case of, vi. 9—his execution, 11.
- Ogilvie of Inverquhar, executed, vi. 403.
- Ogilvies, struggle between, and the Crawford's, ii. 428—attacked by Argyle, vi. 323—joins Montrose, 367.
- Ogiltiern, rank or grade of, ii. 63.
- Olave, invasion of Northumbria by, i. 335.
- Olave the Black, of the Isle of Man, ii. 5.
- Oldhamstocks, destroyed by the English, iii. 153.
- Ollivant, defence of Stirling Castle by, ii. 222.
- Olliphant, Lord, one of the "assured

- lords," *iii.* 190—one of the queen's party, *iv.* 377, note.
- O'Neil, Sir Phelim, the alleged commission from Charles I. to, *vi.* 344.
- O'Neil, Shane, *vi.* 26, 27, note.
- Opalo, James VI. and his bride at, *vi.* 275.
- Orcades of Tacitus, *i.* 20.
- Orkney, the Bishop of, affair of, *ii.* 11—his difficulties, *v.* 459—wounded in attempt on Sharp's life, *vii.* 199.
- Orkney, the Earl of, *v.* 459.
- Orkney Isles, subdued by the Norsemen, *i.* 319—reception of King Haco, *ii.* 32—their state, &c., under James III., *iii.* 9—their acquisition by Scotland, *ib.*—landing of Montrose in, *vii.* 4.
- Orleans, the Count of, *iv.* 98.
- Orleans, the Regent, removal of the Pretender from France by, *viii.* 342.
- Ormiston, his account of the bond for Darnley's murder, *iv.* 182, note—among the murderers of Darnley, 187—excepted from truce of 1572, *v.* 73.
- Ormond, the Earl of, executed, *ii.* 429.
- Ormond, the Duke of, landing of, in 1715, *viii.* 314—attempted invasion in 1719, 340 *et seq.*
- Ormsby, Justiciar, *ii.* 178—escape from Wallace, 184.
- Ossianic Poems, the, *i.* 173—summary of them, and their characteristics, 174—the question of their authenticity, 175 *et seq.*—their supposed connection with Ireland, 177.
- Ostia, the Bishop of, legate to England, *i.* 440.
- O'Sullivan, a follower of the Pretender, *viii.* 434.
- Oswald, King of Northumbria, *i.* 268, 281, 296 *et seq.*
- Osway, King of Northumbria, *i.* 272, 281.
- Otterburn, Sir Adam, Provost of Edinburgh, *iii.* 234—his account of the gold workings of James IV., 445.
- Otterburn, the battle of, *ii.* 360 *et seq.*
- Overture, origin of the term, *iv.* 327, 341.
- Ovid, use of the name Caledonia by, *i.* 19—notice regarding the Britons painting themselves from, *i.* 197.
- Oxburgh, Colonel, at Preston, *viii.* 311.
- Oysel, influence of, with Mary of Lorraine, *iii.* 286—garrisons Perth, 357—his ravages in Fife, 369.
- Packington, Sir John, *viii.* 192.
- Pageants, royal, before King James, *v.* 365 *et seq.*
- Painting, absence of, prior to the Reformation, *iii.* 438—connected with the murder of Darnley, 249 and note—state of, 1688 to 1748, *viii.* 536.
- Paisley, the king's party at, *v.* 35—expedition from, against the MacGregors, *viii.* 282.
- Palgrave, Sir F., his documents on Scottish history, *ii.* 44, 45, notes—extracts from these in connection with the succession question, 118, 121, 130, 141, 149, 155, notes, correction of blunder regarding Wallace, 188, note—instance of coerced homage by Bruce, 258, note—on the tergiversations of Lamberton, &c., 260, note—on the forgeries of Hardyng, *iii.* 6 note.
- Palladins, Bishop, *i.* 238.
- Panama, Isthmus of, enduring interest attached to it, *viii.* 41.
- Panmure, Lord, *viii.* 199—proclaims James VIII. at Brechin, 263—forfeited, 348.
- Panter, David, *iii.* 207.
- Papa, supposed sculptures in an Earth-house at, *i.* 100.
- Papal Church, the, its connection with the old Roman empire, *vi.* 2.
- Papal Court, difficulties, &c., with, during the War of Independence, *ii.* 206—interference on behalf of Scotland, 208—its claim of sovereignty, 209—bull addressed to Edward, 210—his answer, 211 *et seq.*—its dealings with Bruce, 275 *et seq.*—renewed negotiations and appeal from Parliament, 283 *et seq.*—mission of Randolph, and its success, 294 *et seq.*—discussions with it, under James IV., *iii.* 39—its deference to James V., 159—communications of James VI. with it, *v.* 353.
- Papebroch, account of the remains of Queen Margaret by, *i.* 381, note.
- Paraphrases, publication of the, *viii.* 417.
- Paré, Ambrose, at the death of Francis II., *iv.* 2.
- Paris, the Peace of, *ii.* 205—University of, King's College, Aberdeen, modelled on it, *iii.* 404.
- Parishes, subdivision of Scotland into, *i.* 415.
- Parliament, first mention of, *ii.* 79—its development, 80—first representation of the burghs, 89—summoned by Edward I., 230—its enactments, 231, *et seq.*—appeal to the Pope in the time of Bruce, 283 *et seq.*—of 1318, 305—that of 1326, 307—rejection of the son of Edward III. as successor to David II., 339—measures to check the royal prerogative, 341 *et seq.*—proceedings under Robert III., 373—changes under James I., 401—Acts regarding forfeited estates under James II., 430—other Acts, *ib.*—arrangement of national defences, &c., 431 *et seq.*—prevents assistance being given to Louis XL, *iii.* 19—proceedings with regard to Edward IV., 23—under James III., 31 *et seq.*—after his death, 38—Acts regarding the Church, 40—meeting after Flodden, 84—treaties, &c., with France, 86—Acts regarding the Church under James V., 172—meeting regarding the English treaties, 208—plans for marriage and

disposal of Mary, 276—deposition of Arran, 281—efforts for reformation of the Church, 325—Act authorising the Bible, 337—Acts establishing the Reformation, 382, *et seq.*—its rise and progress, 386—differences between it and that of England, 387 *et seq.*—features characterising its powers, &c., 387—its maintenance of the order of succession, 389—not divided into two Houses, *ib.*—“Committee or Lords of the Articles,” 390—the Lords Auditors of Complaints, 391—accepts the Confession of Faith, *iv.* 34—of 1563, 71—Act of Oblivion, and its objects, *ib.*—meeting, after Darnley’s murder, 211—declaration regarding the Church, 212—confirmation of Murray, &c., in their estates, and honours to Bothwell, 213—the casket letters not impugned in it, 264—its meeting under Murray, 290—Act regarding the thirds of benefices, 324—meeting in 1569. *v.* 2—prosecutions of the queen’s party, 3—election of Mar as regent, 43—meeting in the interest of the queen, 63, 65—election of Morton as regent, 89—meeting at Edinburgh, 1572, 117—meeting in 1577 at Stirling, 164—proceedings against the Hamiltons, 165 *et seq.*—Act of Indemnity in favour of the Ruthven conspirators, 188—rejects the Second Book of Discipline, 204—of 1584, Acts regarding the Kirk, 231 *et seq.*—conclusion of the league with England, 239—*et seq.*—partial meeting on Mary’s death, *v.* 262 *et seq.*—Act of Revocation, 1587, 270—of 1592, Act establishing Presbytery, 277 *et seq.*—meeting regarding the Popish lords, 307—Acts re-establishing Episcopacy, 314, 441 *et seq.*—first appearance of the restored bishops, 442—further Acts establishing Episcopacy, *vi.* 44—and regarding ministers’ stipends, 45—prerogative claims, 46—the Five Articles of Perth, 52—of 1633, Act ratifying the arrangements regarding Church property, 82—other proceedings, 85—peculiarities of constitution, *ib.*—the Lords of the Articles, 86—first appearance of an Opposition, 87—Act regarding the apparel of the clergy, 88—meeting in 1640, 280—first contests, 281—limitations of the prerogative, *ib.* 282—adjourned by the king, 282—at issue with the Crown, 283—new constitution, *ib.*—its position, 285—its defence, *ib.*—denounces the king’s Large Declaration, 287—confirms the Acts of the General Assembly, *ib.*—Committee of Estates appointed, 288—of 1641, 325—Acts passed, 327—contrast between it and the English, *ib.*—appointment of public officers, 329—the discussions on the “Incident,” 334 *et seq.*—offers of

aid against the Irish rebels, 349—trials and executions for treason, 402—of 1649, the Act of Classes, 421, *et seq.*—meeting after the Restoration, *vii.* 142—the Act Rescissory, 143—of 1661, Act restoring Episcopacy, 145 *et seq.*—of 1664, the Billeting Act, 163—re-enact the Test Act, and Act against conventicles, 264—reject bill in favour of the Romanists, 265—it forced on them by prerogative, 266—the Convention, declare James VII. dethroned, 285—their procedure contrasted with that of the English, 287—circumstances under which it met, and dangers to which exposed, *ib. et seq.*—effect of the decision of the English Parliament on them, *ib.*—the independence of Scotland acknowledged throughout their proceedings, 290—the “Claim of Right,” *ib. et seq.*—the “Articles of Grievances,” 292—conditions regarding the presentation of these to the King, 293—the Commissioners to the King, 294—his acceptance of the oath, and message to them, *ib. et seq.*—subsequent discussions and disputes, 295—military arrangements of the Government, 296—defensive measures against Claverhouse, 297—prayer for the king and queen ordered, and deprivations of clergy for disobedience, *ib. et seq.*—measures against their opponents, 298—proceedings against Drummond, Earl of Perth, *ib. et seq.*—the Duke of Hamilton as President, and his character, 301 *et seq.*—arms supplied to the Cameronians, 321—their formal organisation after adjournment, 328—contest with the Crown as to right of free debate, 329—proposed changes as to the Lords of the Articles, *ib.*—constitutional differences between them and the English, 330—want of an upper house, *ib.*—continued struggle as to the Lords of the Articles, 332—rejection of their compromise by the Commissioner, 333—increasing antagonism between them and the Crown, *ib.*—organisation of the majority into a club, 334—postponement of the Church settlement, 335—threatened proceedings against the Earl of Argyle, &c., *ib.* 337—and against the Dalrymples, 336—new proposals as to the Lords of the Articles, *ib.*—rumoured conspiracy, *ib.*—struggle with the Crown regarding the Earl of Stair, 338—measures to enforce their views, 339—success of the Crown, *ib.*—its close, and results of its labours, 341—meeting of, in 1690, 351—concessions on the part of the Crown, 352—abolition of the Lords of the Articles, 353—new system of Committees, *ib.*—want of fixed precedents as shown in it, *ib.*—



minor disputes in it, 354—changes in representation of the counties, 355—Act reversing forfeitures, *ib.*—the inquiry into the Massacre of Glencoe, 409—ecclesiastical proceedings, 420—steps toward abolition of Prelacy, 421—Acts bearing against it, and deprivations of clergy, 422 *et seq.*—formal abolition of Prelacy, 425—the debate as to form of Church government, *ib.*, note—discussions on the Church question, 426—that of 1690, *ib.*—restoration of the evicted clergy, 428—adoption of the Confession of Faith, 429—the other standards, 430—the Excommunication Act, 435—the Patronage Act of 1690, 442 *et seq.*—Act for extrusion of the nonconforming Episcopalian clergy, 461—other Acts connected with them, 462 *et seq.*—Act of 1693 for the encouragement of trade, viii. 22—the African (Darien) Company's Act, *ib.*—session of 1698, 58—increasing alienation from the Crown in that of 1700, 59—address to the Crown on the Darien Company refused reception, *ib.*—national address to the king, and his counter-proclamation, 60—speeches of the Commissioner and Chancellor, *ib.*—adjourned, 61—meeting in 1700, 63—violent measures in opposition, 64—of 1702, motions regarding the Union, 65—Bankruptcy Act of 1695, 68—the parochial school system, 72—meeting in 1702, its stormy character, 80—resolutions regarding the African Company, 81—its dissolution, 83—meeting of the new (the Union), 84—ceremony of the "Riding," *ib. et seq.*—distribution of the members in the house, 86—mode of their procedure at this time, 87 *et seq.*—suspicions regarding the Kirk settlement, 89—Toleration Act, 90—1703, measures of the Presbyterians against the Crown, 91—other hostile acts, *ib.*—the proposed Act of "Limitations," 92—Act of Settlement of the Crown called the Securities Act, *ib.*—stormy debates on it, 93 *et seq.*—the royal assent refused to it, 94—session of 1704, 98—resolute attitude toward England, 99—Act of Security again passed, *ib.*—measure to secure its receiving the royal assent, 100—meeting of the Union, 110—parties in it, 111—debate on the royal message, *ib.*—appointment of Council of Trade, 112—other Acts, *ib.*, 113—first draft of the Treaty of Union, 114—debate on appointment of commissioners, 115—address for repeal of certain clauses in the English Act, *ib.*—this agreed to, 116—selection of commissioners, 117 *et seq.*—their last meeting, 137—the debates on the Articles of the Treaty, 142 *et seq.*—addresses against it, 147—

preliminary discussions, 149—Lord Belhaven's speech, 150 *et seq.*—majority on first division, 153—debates on the several articles, 154 *et seq.*—Act of Security for the Church, 165 *et seq.*—the discussion on the Equivalent and the abolishment of the African Company, 168—and on the coinage, 170—on the administration of justice, 172—and on the number of representatives, 173—last effort of the Opposition, 174 *et seq.*—close of the discussions, 177—passing of the Act, 178—arrangements for election of the representatives to the United Parliament, 186—exclusion of Peers and their eldest sons, *ib.*—the town and county members, 187—the franchise, *ib.*—division of the Equivalent, 188—finally adjourned, 189.

Parliament, the English, their procedure contrasted with that of the Scots as regards the Revolution, vii. 287—effects of its decision on Scotland, 288—constitutional differences between it and the Scots, 330—addresses the king against the Darien scheme, viii. 26—grounds of their hostility, *ib.*, note—proceedings of the Commons against the English directors, 27—its opening on the accession of Queen Anne, and her address on the Union question, 81—debate on the "Act of Security," 101—measures adopted of security against Scotland, 103—bill prepared for the Union, and opposition in the Commons, *ib.* 104—power to appoint Commissioners of Union, 104—the debates on the Union Act, 189 *et seq.*—it finally passed, 196—proceedings against the Tories in 1708, 205—number of representatives for Scotland as fixed by the Union, 128 *et seq.*

Parliament, the United, changes introduced into Scotland, viii. 205 *et seq.*—position of the Scots members in it, 216 *et seq.*—restoration of the "Yule Vacance," 246—debate on Scots peerages, 247—and on the malt-tax, 248—of 1715, the Scots representatives in, 253—measures of, against the insurrection of 1715, 263 *et seq.*—Act regarding vassals who remained loyal, 265—proceedings of, regarding the Porteous Mob, 365—the debates on the insurrection of 1745, 468—remedial measures after the Rebellion of 1745, 502 *et seq.*

Parliaments, triennial, motion for, viii. 113—and for annual, *ib.*

Parliament House, the, vi. 280.

Parliamentary representation, discussion in the Scots Parliament on its terms, viii. 173.

Parma, the Duke of, communications of the Popish lords with, v. 292.

Parochial school system, its establishment in Scotland, viii. 72.

- Parr, Dr, on James VI., v. 138, and note.  
Parr, Lord, letter from Sadler to, iii. 194.  
Pasquier, M., ambassador to England, iv. 316.  
Paston, account of Arran by, iii. 13, note.  
"Patriotic party," the so-called, in Scotland, viii. 4—its leader, Fletcher of Salton, 5 *et seq.*  
Paterson, William, slightness of our knowledge of him, viii. 13—his birth-place, character, and habits, 14—contrasted with Law, *ib.*—life in London, 15—settlement of the London orphanage, *ib.*—connection with the foundation of the Bank of England, 16—his views on banking, and their unpopularity at the time, 17 *et seq.*—his connection with the African Company or Darien scheme, 19 *et seq.*—a director of the Bank of England, 19 note—his plans for starting the African Company in London, 24—his connection with it, 32—question as to whether he organised their system of book-keeping, 36, note—fixes on Darien for colonisation, 40—grandeur of his scheme, 41—its breadth and liberality as advanced by him, *ib.*—the question as to his having founded the Bank of Scotland, 67—award to him out of the Equivalent, and his after-life, 188, note.  
Patronage, the question of, after the Revolution, vii. 442—the Act of 1690, *ib.* *et seq.*—provision for the purchase of, 444—small extent to which this was taken advantage of, *ib.* 445, note—Act of Queen Anne, the, viii. 229 *et seq.*—deputation from the Assembly on, 1717, 385—Act modifying it, 386—Act of Assembly regarding it, 1732, 402.  
Patten, Rev. Robert, his treachery in 1715, viii. 296, 300.  
Patten, his account of the battle of Pinkie, iii. 270 *et seq. pass.*  
Panlet, Sir Amyas, v. 257.  
Paulinus, mission of, i. 268.  
Pauperism, legislation regarding, viii. 73.  
Payne, Neville, implicated in the Montgomery plot, and tortured, vii. 349—long delay of his trial, 350.  
Paz, De, secret mission of, iv. 95 *et seq.*  
Peasantry, their state in Scotland and France, ii. 355.  
Pedro de Ayala, Don, his account of Scotland and the Scots in the time of James IV., iii. 448 *et seq.*  
Pedro, Don, an Indian chief at Darien, viii. 46 note, 47.  
Peebles, Alexander, v. 327 *et seq.*  
Peels, Border, iii. 434.  
Peers, the number of Scots representative, as fixed by the Union, vii. 130—and their eldest sons, Scots Act excluding them from the Commons, 186—the Scots, debate on, 1711, 247.  
Pembroke, the Earl of, governor of Scotland, ii. 244—invasion by him, 245—defeats Bruce, 247—defeated and returns to England, 249.  
Penda, Prince of Mercia, i. 271.  
Pennant, account of Gowrie House by, v. 333, note.  
Pennecuik, Dr, viii. 547.  
Pennington, Sir John, vi. 257.  
Penrith, terms under which held by the Scots king, ii. 9.  
Penston's tavern, scene of the meetings of the parliamentary majority under William III., vii. 334.  
Pentlands, battle of the, vii. 171.  
Percy, forces under, against Wallace, ii. 185—defeated by Bruce, 249.  
Percy, Sir Charles, v. 358.  
Percy, Sir H., at Neville's Cross, ii. 327.  
Percy, Sir Henry (Hotspur), ii. 360—at Otterburn, 361 *et seq.*—taken prisoner there, 363—at Homildon Hill, 378—his revolt, defeat, and death, 382 *et seq.*—his son exchanged for the son of Albany, 395.  
Percy, Sir Henry, negotiations between him and Arran, iii. 349.  
Percy, Sir Ralph, at Otterburn, ii. 360 *et seq.*—taken prisoner there, 363.  
Percys, the, their lands in Scotland, ii. 311.  
Perkin Warbeck, his appearance in Scotland, iii. 43—his reception by James IV., 45 *et seq.*—expedition in his favour, 48—terms made with James IV., *ib.*—leaves Scotland, 50.  
Persecutions, literature of the, vii. 568 *et seq.*  
Perth, early mention of, as a burgh, ii. 88—ancient bridge at, 110—taken by Bruce, 256—Edward Balliol besieged in, 315—recaptured by the Scots, 325—the clan-fight at, 369—murder of James I. at, 407—outbreak of the Reformers, iii. 350—seized by the queen-regent, 357—General Assembly at, v. 313—excitement during the Gowrie tragedy, 326 *et seq.*—captured by Montrose, vi. 367—captured by Claverhouse, vii. 368—Episcopalian clergy in, after 1688, 464—staple manufactures of, 1695, viii. 35—James VIII. proclaimed at, 263—occupied by Mar in 1715, 276—contributions levied, 277—arrival of James VIII. at, 321—retreat from thence, 325—abortive trials at, after 1715, 338—the Pretender at, 442—contributions levied on it, 444.  
Peterborough Cathedral, interment of Queen Mary in, v. 260.  
Petrie, Mr, on the round towers, ii. 103, note.  
Petroleonis, Cardinal, ii. 3.  
Peukini, the, i. 187, note.  
Pfahlbauten or lake-dwellings of Switzerland, the, i. 89, 90.



- Philabeg, its introduction, viii. 534.
- Philip of France, quarrel of, with Edward I., ii. 163—war between them, and treaty between him and Balliol, 164 *et seq.*—connection of Wallace with, 202—truce with England, 203—discussion as to its extension to Scotland, 204—urges on Edward II. a truce with Scotland, 257—treaty with Robert Bruce, 296.
- Philip II. of Spain, policy towards England, iii. 296—declares Elizabeth not the rightful heir, *ib.*—position of, toward France and Scotland, iii. 370 *et seq.*—his views regarding marriage of Don Carlos to Queen Mary, iv. 92—the marriage scheme broken off, 94—negotiations for it renewed, 95—conference with Catherine, *ib.*—agreement on behalf of Mary, v. 101—his preparations against England, 226—probable effect of Mary's death on, 252—her bequest of her crown, &c., 264—the Armada, *ib.* *et seq.*
- Philip III., ambassador of James VI. to, v. 287, note.
- Philpaulg, battle of, vi. 376.
- Philippa, Queen, ii. 328.
- Pictish kingdom, the capital of the, ii. 52—kings, different etymologies given for their names, i. 191, note—towers, the so-called, 91 *et seq.*
- Picts, first mention of them, i. 45—their kingdom, 183—the controversy regarding their nationality, &c., *ib.* *et seq.*—theories of their origin, 186—the attempts to fix this by names of places, 188—small results of the controversy, 194—attempts to solve it by ancient remains, &c., 196—derivation of the name from *Picti*, 197—the country occupied by them, 200, 278—attacks on Strathclyde, 280—their kingdom, notices of its history, 281 *et seq.*—their disappearance from history, 283 *et seq.*—traditional remains of them, 284, note—their union with the Scots, 294.
- Picts' houses, the so-called, i. 98 *et seq.*—apparent connection of the "Druidical" stones with them, 137.
- "Picts' Work Ditch," the, i. 91, 284, note.
- Pinkeny, Robert de, ii. 124, 127.
- Pinkerton, Captain, one of the Darien colonists, seized by the Spaniards, viii. 47.
- Pinkerton, his theory of the origin, &c., of the Picts, i. 187 *et seq.*—alleged Gothic names from, 189, note—his literary dishonesty, 194, note.
- Pinkle, the battle of, iii. 271 *et seq.*
- Pitcairn, Alex., the works of, vii. 466.
- Pitcairn, Dr Archibald, the works of, viii. 549.
- Pitcairn, Robert, iv. 417, v. 100.
- Pitcottie, account of Cochrane the favourite of James III. by, iii. 25, note—of transactions with Captain Wood after the death of James III., 35, note—of the Michael, 67—of the naval combat between Wood and Bull, 69, note—of the vision to James IV., 74, note—and of that at Edinburgh Cross, 75, note—of James IV., 81—of the execution of the Armstrongs, 144.
- Pitaligo, Lord, joins the Pretender, viii. 459.
- Pittarrow, the Laird of, iv. 41, v. 124.
- Pittencrief, the Laird of, v. 324.
- Pius II., his account of Scotland, iii. 446.
- Pius IV., communication from Mary to, iv. 65.
- Plague, ravages, &c., of, 1569, v. 9 and note.
- Plaid, the, in the Highlands, viii. 528.
- Plantations, removal of Covenanters to the, vii. 277—kidnapping for the, viii. 520 *et seq.*
- Plautius, Aulus, his invasion of England, i. 2.
- Plautus, his supposed specimen of the Punic tongue, i. 192.
- Pliny, account of Druidism by, i. 211.
- Poltou, attempt to derive the Picts from, i. 188.
- Poland, the Scots in, vi. 63 and note.
- Pollock, the Laird of, captured by Claverhouse, vii. 368.
- Polybius, his account of the Roman camp, &c., i. 73.
- Pons Ælli, the modern Newcastle, i. 26.
- Pontefract Castle, the supposed murder of Richard II. in, ii. 384.
- Pontelands, taken by the Scots, ii. 360.
- Poor, ancient law regarding the suits of, ii. 70.
- Poor-law, that of William III., viii. 73.
- Popery, its slight hold on Scotland, ii. 337—its overthrow there, 382—declaration of the Second Confession against it, v. 206 *et seq.*—its secret adherents, vi. 514—laws regarding, under William III., viii. 74 *et seq.*
- Popes, the, their position and diplomatic influence, ii. 206.
- "Popes of Edinburgh," the Presbyterian zealots so called, v. 313, 432—their fall, and feeling on it, 435.
- Popish lords, their position, v. 286—proceedings with regard to them, 288—their connection with the Spanish blanks, 291—further proceedings against them, 293—clerical spies placed over them, 302—meeting of the Estates regarding them, 307—renewed trouble to the Church from them, vi. 13.
- Popular songs, &c., the attempts to spiritualise them, iv. 351 *et seq.*
- Population, ratio of, in England and Scotland at the Union, viii. 130.

- Porteous Mob, the, viii. 361 *et seq.*—penalties inflicted on the city on account of it, 367.
- Porter, Endymion, vi. 346, 347, note.
- Postal communication, efforts of Cromwell to organise, vii. 94.
- Postnati, the discussions, &c., on the case of the, v. 411 *et seq.*
- Poverty, prevalence of, in Scotland, viii. 506.
- Powrie, William, one of the murderers of Darnley, iv. 187—his execution, 357.
- Prayer-book, the smaller Scots, vi. 120.
- Prehistoric period in Scotland, the, i. 80—indications of the age of man in it, 81 fortresses, 84—vitrified forts, 86—lake-dwellings, 89—the Deil's Dyke, 91—the burghs, or so-called Danish towers, 116.—earth-houses, 98—caves and chambered cairns, 101—burial-cairns and disposal of the dead, 104—burial-urns, 105—weapons, 114—trinkets, 121—the stone, bronze, and iron ages, 125—objects supposed to be connected with religion, 132—stone circles, &c., 133—sculptured stones, 140.
- Prelacy, declaration of the Claim of Right against, vii. 201—abolition of, 421, 425.
- Presbyterians, their position in 1595, v. 297—their persecution of Adamson, 116.—their proceedings against the Popish lords, 302—their council in Edinburgh, 116. *et seq.*—the English co-operate with the Scots, vi. 351, 353 *et seq.*—their acceptance of the Indulgence of James II., vii. 279—answer to his overtures, 280—divided state of the, 312—relations of, to the Episcopalians after the Revolution settlement, 458 *et seq.*—their predominance in the south of Scotland, 460—differences of principle between them and the Episcopalians, 462.
- Presbyterian Church, its forms of worship, &c., vi. 48.
- Presbyterian clergy, controversy between them and Cromwell, vii. 28 *et seq.*—his liberality to them, 30.
- Presbyterian controversy, use made of the Culdees in the, i. 402.
- Presbyterianism, Knox not an avowed advocate for, v. 79—rise of zeal for it, 93—declaration of the Assembly in 1580 in its favour, 201—establishment of the Kirk on its basis, 204—its peculiar spirit, 205—formally established, 1592, 277 *et seq.*—under Charles I., vi. 187—re-established by Assembly of 1638, 230 *et seq.*—confirmed by that of 1639, 272—opposition of the Independents to it, 387—its predominance in the south, vii. 419—divided state of its adherents, 420.
- Press, attempt of the Reformed Church to establish a censorship of it, iv. 331.
- Preston, Simon, of Craigmillar, v. 58, 66.
- Preston, the battle of, vi. 415 *et seq.*—arrival of the Jacobites at, in 1715, viii. 305—their preparations, 306 *et seq.*—the battle and capitulation, 308 *et seq.*—reception of the Pretender at, viii. 466.
- Prestonpans, the position of, viii. 452—the battle, 453.
- "Pretender," the, his birth, vii. 282—current belief that he was a spurious child, 283. See James.
- Primrose, clerk of the Privy Council, vi. 175—the Act Rescissory drawn by him, vii. 144.
- Pringle, Sir John, viii. 552.
- Printing, introduction of, iii. 424.
- Privilege, absence of special, iii. 397 *et seq. pass.*
- Privy Council, trial regarding Land's Liturgy before them, vi. 156—instructions to them from Court, 168—their reception of the Supplication, 116.—their powerlessness, 169—formation of the Tables, 171—attempts to dissolve these, 116.—remove to Linlithgow, and proclamation, 175—discussion with the Tables, 116.—withdrawal of the bishops, and views of the lay members, 177—proclamation at Stirling, 178 *et seq.*—symptoms of vacillation, 199—agree to enforce subscription to the Covenant, 280—created for Scotland, and its powers, vii. 148—Abjuration Act, 158—Ejection Act, 159—Mile Act, 160—the first Indulgence, 177—examination of Mitchell before them, and their pledge of protection to him, 201 *et seq.*—their measures in answer to the Declaration of the Cameronians, 250—the Abjuration Oath, 116.—its functions, &c., 331—its abolition, viii. 212.
- Procolitia, supposed modern name of, i. 20, note.
- Prohibited degrees, questions of, claimed by the Romish ecclesiastics, ii. 545 *et seq.*, iii. 313 *et seq.*
- Property, survey and valuation of, ii. 400.
- Prosper of Aquitaine, notice of Bishop Palladius in, i. 238.
- Protestantism, its progress in Scotland, iii. 249—its dangers throughout Europe in 1565, iv. 131.
- "Protestation of the Earls of Huntly and Argyle," &c., account from it of the conference at Craigmillar, iv. 178.
- Protestation, meaning, &c., of, in Scots law, vi. 170.
- Protesters, the party of the, vii. 65 *et seq.*
- Provincial council of 1549, the, its efforts for Church reformation, ii. 326—of 1559, 334.
- Prynne's 'Hidden Works,' &c., extracts from, vi. 105 note, 127, 130, 134, 143 note.
- Psalms, the metrical versions of the, iv.

- 341, vi. 398—that selected by the Westminster Assembly, 399.  
 Psalter, the, its introduction, iv. 352.  
 Psalters, ancient Irish, l. 160.  
 "Pteroton," the, l. 62.  
 Ptolemy, the notices of Roman Scotland in, l. 60.  
 Puebla, Don Pedro de, Spanish ambassador to Scotland, his account of James IV., iii. 51—negotiations, &c., regarding matrimonial alliance, 54.  
 Punic language, Plautus's supposed specimen of, l. 192.  
 Puritans, the, their denunciations of dancing, iv. 58—adoption of Knox's Liturgy by them, 332.  
 Pyramids, analogy between, and Maeshowe, &c., l. 104.
- Quadra, Alvaro de la, iv. 95.  
 Quakers, the, favour shown them by James II., and their persecution in Scotland, vii. 270 *et seq.*  
 Queen Mary's Mount, Carberry, iv. 240.  
 "Queensferry Paper," the, vii. 234.  
 Queensberry, the Duke of, implicated in the Montgomery plot, vii. 348—Commissioner in 1700, viii. 60—adjourns Parliament, 61—and in 1702, 79—refuses assent to the Security Act, 94—resigns, 96—succeeded by Tweeddale, 99—made Privy Seal, 110—again Commissioner in 1706, 137—ability shown by him, 156—the Jacobite plot of 1708 communicated to him, 201—created an English Peer, 247.  
 Queensberry Plot, the, viii. 94 *et seq.*—its influence in England, 97.  
 Quonium Attachlamenta, revision of, ii. 400.
- "Rabbled" clergy, the, their general character, &c., vii. 459.  
 "Rabbling of the Curates," the, vii. 319, 320.  
 Radcliffe, envoy to Scotland, iii. 126.  
 Ragman Rolla, the, ii. 177, note.  
 Raid of Ruthven, the, v. 186 *et seq.*  
 Raid of Stonehive, the, vi. 250.  
 Raleigh, Sir Walter, effort of Queen Anne to save him, v. 384.  
 Ralph the Cofferer, ii. 217—killed at Roslin, 218.  
 Ramorny, Sir John, ii. 380.  
 Ramsay, Sir Alexander, captures Roxburgh Castle, ii. 325—his murder, *ib.*  
 Ramsay, Allan, his works, viii. 545—theatre established by, 551.  
 Ramsay, Allan, the painter, viii. 537.  
 Ramsay, the author of the life of Turenne, viii. 555.  
 Ramsay, Colonel, sent to join Mackay, vii. 369.  
 Ramsay, Sir John, in the Gowrie Conspiracy, v. 324—kills the Master of Ruthven, *ib.*—and the Earl of Gowrie, 326.
- Ramsay, one of the favourites of James III., iii. 28—created Lord of Bothwell, and his alleged treason, 30—subsequent proofs of this, 31 and note—attainted and forfeited, 37—plot for the seizure of James IV., 39—acts as spy to Henry VII., 47 *et seq.*—favour of James IV. to him, 49.  
 Ranald Oig, seizure of Dunivaig Castle by, v. 456.  
 Randolph, nephew of Bruce, at Bannockburn, ii. 265, 273—invades England, 281—and again, 290—his mission to the Papal Court, 294 *et seq.*—treaty with France, 296—again invades England, 298—his regency, 310.  
 Randolph, English ambassador to Mary, iv. 45—sketch of the queen, 57—notice of Chatelar, 87—reports regarding Mary, 100—on the proposed marriage to Leicester, 102—his account of Bothwell's trial, 110—urges intervention, 114—account of his treatment, 116—declines to recognise Darnley, 124—on Mary's supposed accession to the Catholic league, 135—cognisant of the intended murder of Rizzio, 142—his account of it, 144, 151, note—on the estrangement of the queen from Darnley, 159—conversation with Queen Elizabeth, 303—charges Mary with complicity in her brother's murder, v. 19 and note—attempt to mediate between the parties, 71—Melville's opinion of him, 73—sent to Scotland on behalf of Morton, 181—his reception and return, *ib.*  
 Ratisbon, the Scots monastery at, l. 202, 407.  
 Rattray, Bishop, viii. 425.  
 Raulet, emissary of Queen Mary, iv. 96, 112.  
 Rawlinson, Thos., invention of the phylabeg by, viii. 535.  
 Ray, Alexander, v. 329.  
 Reader, office of, in the Scots Church, iv. 344.  
 Records of the Kirk, the missing, produced at the Assembly of 1638, vi. 227—their after-fate, *ib.*, note.  
 Rederech, King of Strathclyde, i. 238, 279.  
 Redeswire, the Raid of the, iv. 153—negotiations with England regarding it, 154.  
 Rees's 'Essay on the Welsh Saints,' i. 180, note.  
 Reeves, Dr, account of St Maelrubha by, i. 262, note—on the Culdees, 394, 398, 415, notes.  
 Reformation, the, circumstances which regulated it in Scotland, iii. 298—the previous state of the Church, 307 *et seq.*—its silent progress, 338—its formal establishment, 382.  
 Reformed Presbyterian Church, the, viii. 241.

- Regalia, their alleged removal by Edward I., ii. 171—how saved during the Protectorate, vii. 142.
- "Regalities" in Scotland, the, viii. 516 *et seq.*
- Regality, burghs of, ii. 85.
- Regensburg, the Scots monastery at, i. 202, 407.
- Regents of the universities, iii. 406.
- Regiam Majestatem, the, its history, &c., ii. 58 *et seq.*—revision of it, 400.
- Registration, system of, Cromwell's attempt to introduce, vii. 62.
- Regnar Lodbroc, i. 322.
- Reid, Adam, of Barskimming, iii. 43, note.
- Reid, Bishop of Orkney, his death in France, iii. 291.
- Reid, Major, surrender of the Bass to, vii. 417.
- "Relegation," the French system of, v. 214.
- Relief Church, the, its formation, viii. 412.
- Religion, ancient remains supposed to be connected with, i. 132—the early, of Scotland, 209.
- Religious houses destroyed by Hertford, iii. 247.
- Remonstrants, party called, vii. 38—their views, &c., after the Restoration, 126.
- Renwick, execution of, vii. 278.
- Representatives, number of, for Scotland, as arranged by the Union, viii. 128.
- Rescissory Act of 1661, the, vii. 143.
- Reseby, John, martyrdom of, ii. 386.
- Resolutioners, party called, vii. 35, 65 *et seq.*
- Revenue, collecting, under Cromwell, vii. 58.
- Revival, account of a, v. 300—the Cambuslang, viii. 413.
- Revocation of Edict of Nantes, its effect, vii. 268.
- Revolution of 1688, settlement of the English crown on William and Mary, vii. 284—formal dethronement of James VII. by the Scots Convention, 285 *et seq.*—acceptance of the crown by William III., 295—its different character in England and in Scotland, 300—ecclesiastical settlement of the, 419.
- Reynolds, Bishop, at the Hampton Court conference, v. 427, 428.
- Richard Cœur-de-Lion renounces the feudal superiority, ii. 2, 3.
- Richard II. invades Scotland, ii. 353—his difficulties, and invasion by the Scots, 357 *et seq.*—supposititious, 382.
- Richard III., his accession, i. 29.
- Richard of Cirencester, the Itinerary of, i. 14, 60, 61, note.
- Richard of Hexham, the Chronicle of, iii. 412.
- Richelieu, negotiations of the Covenanters with, vi. 288, 289, note.
- Riddell, John, his questions about the legitimacy of the house of Stewart, ii. 346, note.
- "Riding" of the Parliament, 1703, viii. 84 *et seq.*
- Rievaulx Chronicle, the, iii. 412.
- Rigg, William, the case of, vi. 58.
- Ripon, the Scots commissioners at, vi. 309—the conferences and treaty, 310 *et seq.*
- Rishanger's Chronicle, ii. 155, note, iii. 412.
- Rizzio, David, his first appearance, iv. 111—Queen Mary's confidence in him, *ib.*—forwards the marriage with Darnley, 113—conspiracy against him, 140—the band for his murder, 141—its execution, 145 *et seq.*—not slain in the queen's presence, 151, note—his reinterment in Holyrood, 158.
- Rizzio, Joseph, succeeds his brother, iv. 158—denounced as one of Darnley's murderers, 196—leaves the country, 199—the queen's "State" signed by him, 266.
- Roads, Roman, i. 75—early, ii. 109—Highland, constructed by General Wade, viii. 369 *et seq.*
- Robert I., see Bruce.
- Robert II., adjustment of the succession, ii. 345—his sovereignty not acknowledged by England, 348—league with France, *ib.*—truce with England, 349—hostilities on the Borders, *ib.*—invasion of England, 356 *et seq.*—his death, 369—the question as to the legitimacy of his children by Elizabeth Mure, 345 *et seq.*
- Robert III., his accession, ii. 369—the clan-fight at Perth, *ib.*—his character, and state of the country, 372—hostilities with England, 375 *et seq.*—his death, 384.
- Robert, Commendator of Holyrood, iv. 213.
- Robert, Duke of Normandy, i. 377.
- Robert, Earl of Northumberland, i. 380.
- Robert of Gloucester, i. 430.
- Robert, Prince, son of James VI., v. 379.
- Robert, Prior of Scone, i. 423.
- Robert, Steward of Scotland, ii. 323—at Neville's Cross, 328—his dissatisfaction with the second marriage of David II., 338—his accession as Robert II., 343.
- Robertson, his "Scholastic Offices in the Scottish Church," i. 399, note.
- Robertson, on the name Picta, i. 200, note.
- Robertson of Strowan, connected with the Queensberry Plot, viii. 95—in 1715, 285—the works of, 547.

- Robertson, the associate of Wilson, viii. 359—his escape, 360.
- Robin Hood, origin, &c., of the English legends regarding, ii. 75—riot at pageant of, iv. 27.
- Rob Roy, in 1715, viii. 273, 281—expedition against him, 282 *et seq.*—at Sheriffmuir, 319—the career of, 326.
- Roger of Hoveden, i. 447, note—his Chronicle, iii. 412.
- Rogers, a favourite of James III., iii. 24—executed, 27.
- Rolf the Ganger, i. 328.
- Rollo, Lord, in 1715, viii. 259.
- Rollo, Sir William, vi. 366.
- Roman Church, the early Irish Church independent of it, i. 241—disputes between it and the Columbites, 267 *et seq.*—organisation, &c., of the monastic orders by it, 394 *et seq.*—early relations of that of Scotland to it, 395 *et seq.*—the Culdees independent of it, 397—its struggles against secularising Church property, 400—devotion of Queen Mary to it, iv. 412—in Scotland after 1715, viii. 427 *et seq.*
- Roman conquest, its influence with regard to the Norsemen, i. 300.
- Roman domination in Scotland, remains of it, i. 48 *et seq.*
- Roman Empire, as revived by Charlemagne, i. 359—connection of the vitality of the Papal Church with it, vi. 2.
- Roman law, comparison between it and the old Scots laws, ii. 71.
- Roman remains, glass vessels, i. 57—cooking utensils, *ib.*—brooches and rings, 58—coins, *ib.*—geography, 60 *et seq.*
- Roman shield, the, i. 121.
- Roman wall, the, i. 21 *et seq.*
- Roman writers, scantiness of their notices as to the Picts, &c., i. 192—use made of these, 193.
- Romanised Britons, their character, i. 43—attempt to trace their history, 168 *et seq.*—meagreness of materials, 179—their history after the withdrawal of the imperial troops, 179 *et seq.*—action of the Saxon conquests on them, 181 *et seq.*
- Romanism, declaration of the Test Act against, vii. 242—approaches of James VII. to restoration of, 268.
- Romanists, reaction among them on Queen Mary's marriage, iv. 114—their position under James VI., vi. 2—causes of their continued vitality, 3—their devotional books, 4—new style of these, and their authors, 5 *et seq.*—new controversialists, 8—the case of Ogilvie the Jesuit, and his execution, 9 *et seq.*—excommunication of Huntly, &c., 13 *et seq.*—appeal of James VII. on their behalf, vii. 264—bill in their favour rejected, 265.
- Romans, the, their tolerance toward other idolatries, i. 216—Christianity introduced by them, 234.
- Rome, the invasion of Great Britain by, i. 1 *et seq.*—her system of organisation, 354—change which ensued on her fall, 355—supposed pilgrimage of Macbeth to, 346—the municipalities, ii. 84 *et seq.*
- Romulus, traditional Bishop of the Isles, i. 391.
- Ros, Robert de, ii. 197, note.
- Rose, Alexander, Bishop of Edinburgh, viii. 419.
- Rose, Hugh, defence of Kilravoch in 1715 by, viii. 312.
- Rosenberg, Peter van, iii. 160 and note.
- Roslin, the battle of, ii. 217.
- Ross, Alexander, vi. 235, vii. 80.
- Ross, Euphemia, queen of Robert II., ii. 345.
- Ross, the Bishop of (under James VI.), his difficulties, v. 454.
- Ross, the Earl of, bond between him and Douglas, ii. 422, 426—invades the west, 429.
- Ross, the Earl of, brother of James IV., iii. 48.
- Ross, Lord, joins Queen Mary after her escape, iv. 367, 377, note.
- Ross, Lord, Hackston examined before, vii. 238—implicated in the Montgomery Plot, 344—retires to England, 345—examination by Queen Mary, 346—his after-life, 351.
- Ross, bishopric of, i. 442.
- Ross, the earldom of, claimed by Donald of the Isles, ii. 392—forfeited to the Crown, iii. 14.
- Ross, strength of the Covenanters in, vi. 205.
- Rossythe, the Laird of, iv. 237.
- Rothbury, junction of the Scots and English rebels in 1715 at, viii. 295.
- Roths, Lord, his death, iii. 291.
- Roths, Lord, joins the combination against the queen, iv. 123—joins her after her escape, 367, 377, note.
- Roths, Lord, his connection with the Supplication of 1633, vi. 94—his estimate of Huntly's power, 215—one of the commissioners to treat for peace, 267—a party to the dealings with France, 288—succeeds Middleton, vii. 168—created a duke, 179— aids Monmouth's marriage, 185—a witness on Mitchell's trial, 202, 203.
- Roths, the Earl of, viii. 100—a leader of the Squadrone, 111.
- Rothsay, the Duke of, ii. 372—appointed lieutenant of the kingdom, 374—defence of Edinburgh against the English, 377—married to the daughter of Douglas, *ib.*—his death, and suspicions connected with it, 380.
- Rouhay, M. de, iii. 286.

- Rough Castle, Roman fort at, i. 34, 35.  
 Round towers of Ireland, the, ii. 102 *et seq.*  
 Rous, Francis, his Psalter, vi. 400.  
 Row, John, sermon before Parliament, v. 39—on the trial of Balmerinoch, vi. 98.  
 Rowl, John, a priest, iii. 322.  
 Roxburgh, one of the Four Burghs, ii. 90—its disappearance, 94—Castle, surrendered to the English, i. 448—its ruins, ii. 191—taken by Bruce, 256—recaptured by the Scots, 325—retaken by the English, 330—town, taken by the Scots, 386—Castle, siege of, 434—death of James II. before, 435—its capture and destruction, *ib.*—Abbey, destroyed by Hertford, iii. 248.  
 Roxburgh, the Earl of, during the Liturgy tumults, vi. 153—a member of the Privy Council, 177.  
 Roxburgh, the Earl of, viii. 100—a leader of the Squadrone, *xxx.*, 346.  
 Roy, General, on the battle of the Mons Grampius, i. 13—on the wall of Antonine, 34—on the Roman camps, 70, 73—his account of the Caterthun, 84.  
 Roy Stewart, Colonel, in 1745, viii. 476—at Culloden, 490.  
 Royal Bank of Scotland, the, viii. 514.  
 Royal Burghs, the, ii. 84—the Convention of, 91.  
 Royal Guard, efforts to establish, v. 284.  
 Royal prerogative, measures of Parliaments to check it, ii. 341.  
 Royal progresses, their origin, &c., in England, v. 361.  
 Ruddiman the grammarian, viii. 553.  
 Rudolphi, Leslie's intrigue with, v. 103 *et seq.*  
 Rule, Rev. Gilbert, in the Assembly of 1690, vii. 438—the works of, 466.  
 Rullion Green, battle of, vii. 172 *et seq.*  
 Runic inscriptions on standing stones, i. 140, note—the literature connected with them, 149.  
 Rupert, Prince, v. 390—at Marston Moor, vi. 361 *et seq.*—named Viceroy of Scotland, 365.  
 Russel, James, one of Sharp's murderers, vii. 214, 218—his after-life, 221.  
 Russell, Lord, killed in a Border fight, v. 230.  
 Russell, Lord Francis, captured at the Raid of the Redeswire, v. 153.  
 Russia, power of the municipalities in, ii. 84.  
 Rutchester, the Roman Vindobana, i. 20, note.  
 Rutherford, Samuel, vii. 78—commissioner to the Westminster Assembly, vi. 381—his death, vii. 155.  
 Rutherglen, Glasgow once subject to, ii. 94—taken by Bruce, 256—proclamation of the Covenanters at, vii. 222.  
 Ruthven, Lord, his instructions regarding the Cathedral of Dunkeld, iii. 354, note—on the band against Rizzio, iv. 141—and on that for bringing back the exiled lords, 143—at the murder of Rizzio, 145 *et seq.*—his conduct toward the queen, 147 *et seq.*—account of the queen's meeting with the banished lords, 153—his charges against Darnley, 154—outlawed for Rizzio's murder, 159.  
 Ruthven, Lord, conference with Bowes, v. 185—seizure of the king (the Raid of Ruthven), 186—manifesto, *ib.*—Act of indemnity, 188—negotiations regarding the casket letters, 198—overthrow of his party, 200. See also Gowrie.  
 Ruthven, Alexander (the Master of Gowrie), his share in the Gowrie Conspiracy, v. 316 *et seq. pass.*—his death, 321, 324.  
 Ruthven, Margaret, sister of the Earl of Gowrie, and mother of Montrose, v. 344.  
 Ruthven family, their power and popularity, and suspicions regarding the Gowrie Conspiracy, v. 316 *et seq.* (see Gowrie)—resentment of James VI. against them, 344.  
 Ruthven lords, the, their difficulties, v. 190—renewed attempt, and their flight, 214.  
 Ruthven Barrack, old fort at, ii. 101.  
 Ruthven Castle, surrender of, to Claverhouse, vii. 369.  
 Ruthvens, restored to their estates, v. 237.  
 Ruthwell, the sculptured cross at, i. 152.  
 Rutland, the Earl of, iii. 152.  
 Rycant, Sir Paul, opposes the Darien Company at Hamburg, viii. 37, 38.  
 Ryehouse Plot, the, vii. 245.  
 Rynd, W., v. 334.  
 Sadler, Sir Ralph, instructions to, regarding meeting with James V., iii. 162 and note—ambassador to Scotland, 173—his character of Arran, 189—sent to watch the "assured lords," 191—on the feeling against England, 193 *et seq.*—report regarding Arran, 194 *et seq.*—his efforts with the queen-mother, 197—his account of the queen, 198—his difficulties with regard to Beaton, 200—conference with Glencairn, 201—efforts at a compromise, 202—treaties adjusted, *ib.*—offer regarding Queen Mary's household, 203, note—reports the treaties confirmed, 206—and the union of Arran and Beaton, *ib.*—on the conduct of the "assured lords," 209—his communications regarding them, 211—his report of the deliberations on the treaties, 220 *et seq.*—his unpopularity and danger, 223 *et seq.*—takes refuge in Tantallon, 224—recalled, 225.

- reports of Protestant tumults, 250—  
the plot against Beaton communicated  
to him, 259—conversation with James  
V. on the Church, 308—report on the  
Reformed riot at Perth, 353, note—  
emissary to the Lords of the Congrega-  
tion, 365—his abstract of the casket  
letters, iv. 264 and note—a member of  
the commission on Mary, 414—on the  
dangers connected with Mary's case,  
456—visit to Leslie, v. 103—mission to  
Mary regarding Norfolk's plot, 107.
- Saemond, compiler of the Eddas, i. 232,  
note.
- Sactara, the Norse deity, i. 223.
- Sagas, Saemond's collection of the, i.  
232, note.
- St Adamnan, his life of St Columba, i.  
235, 238 note, 251, 255, iii. 411—notice  
of the Pictish language by, i. 186—his  
efforts to introduce the Roman observ-  
ance of Easter, &c., 273—on the battle  
of Magh Rath, 292.
- St Aidan, his mission from Iona to Nor-  
thumbria, i. 269 *et seq.*, 297.
- St Albans, the Great Roll of, ii. 121, note  
—Chronicle, iii. 412.
- St Andrews, first trace of an archbishop  
of, i. 396—final struggle between the  
Culdees and Romanists in, 415, note—  
formation of bishopric, 420—disputes  
regarding it, *ib. et seq.*—the bishop,  
anointing of David Bruce by, ii. 309—  
foundation of university, 394, iii. 402  
—made an archbishopric, 16—fate,  
&c., of the first archbishop, 17—strug-  
gle for see, 90—the castle held by Bea-  
ton, 111—assassination of Beaton in it,  
262—its capture, 264 *et seq.*—its de-  
struction, 265—monasteries, &c., de-  
stroyed, 367—cathedral, its architec-  
ture, 420—execution of Chatelard at, iv.  
88—John Douglas, archbishop, v. 75—  
university, Knox's jealousy of it, 78—  
the archbishop taken prisoner at Ne-  
ville's Cross, ii. 329—archbishop of,  
Laud's dictation to, vi. 100.
- St Baldred, the legend of, iii. 330.
- St Bartholomew, the Massacre of, planned  
at Bayonne, iv. 134—its effects, v. 90,  
109 *et seq.*—its effect on the Reforma-  
tion in Scotland, 93, 148—and on the  
queen's party, 94.
- St Bridget, influence of, i. 243.
- St Columba, notices of the Picts in con-  
nection with, i. 186—notice of Magi in  
lives of, 218 *et seq.*—his visit to St  
Kentigern, 235—his life and work, 246  
*et seq.*—constitution and government of  
the Church, 250—story of Black Aidan,  
251—his independence of Rome, 252—  
his visit to it, 253, note—monastic life  
under him, 253—his successors, 255—  
Adamnan's Life of him, *ib.*—his relics  
removed from Iona, 276—his mission  
to King Brud, 281—Aidan anointed by,  
288—attempts to derive the Culdees  
from, 393, 401 and notes—the position  
of bishops in his Church, 402—monas-  
tery dedicated to him, 425.
- St Cormac, i. 259, 260.
- St Cuthbert, i. 275.
- St Donnan, martyrdom of, i. 258.
- St Egbert, i. 275.
- St Findchan, i. 251.
- St Finnian, i. 247, 270.
- St Gall, the Scots monastery at, i. 161 *et  
seq.*, 407.
- St George, the Chevalier, his birth, &c.,  
vii. 282. See Pretender.
- St Germain, i. 181.
- St Giles, Edinburgh, iii. 432, note.
- St Jerome, notices of the Scots by, i. 204.
- St John of Beverley, ii. 213.
- St John, one of the Union commissioners,  
1654, vii. 52.
- St Kannechan, i. 250.
- St Kentigern, or St Mungo, i. 218, 235,  
253, 279.
- St Kilda, imprisonment of Lady Grange  
in, viii. 394.
- St Lolan, legend of, iii. 329.
- St Lupus, i. 181.
- St Machars, Aberdeen, despoiled, iv. 354.
- St Maelrubius or Maelrubha, i. 262 *et seq.*,  
389.
- St Margaret, see Margaret.
- St Martins in the Fields, the church of,  
viii. 542.
- St Mungo, see St Kentigern.
- St Nathalan and Nectan, legend of, iii.  
330.
- St Ninian, Bede's account of, i. 42, 236—  
the church of, 68.
- St Oran's Chapel at Iona, i. 248.
- St Palladius, i. 239 *et seq.*
- St Patrick, his history, i. 68, 404—a  
native of Scotland, 234—bishops  
consecrated by, 252—abstraction of  
relics by, 408, note.
- St Regulus, the tower of, ii. 104.
- St Ronan, i. 270.
- St Serf, i. 235, 240—monastery of, iv. 364.
- St Ternan, i. 240.
- St Thomas-a-Becket, the Abbey of Ar-  
broath dedicated to, ii. 6.
- St Wilfrid, i. 271.
- Saints, the early British, i. 179—the ear-  
lier and later lives, 265 *et seq.*—legends  
of the, in the Aberdeen Breviary, iii.  
329.
- Saints' days, the, in Laud's Service-book,  
vi. 142.
- Salique law, the, i. 429.
- Salisbury, the Earl of, i. 324.
- Salisbury, Lord, charges against him, v.  
398.
- Salisbury, commission at, ii. 47.
- Salloway, Major, vii. 52.
- Saltmakers, serfdom of the, viii. 321.
- Saltoun, Lord, viii. 109.
- 'Samson's Riddle,' vii. 274, note.



- Sandemanians or Glassites**, the, viii. 417.  
**Sandilands**, Sir James, v. 282.  
**Sandilands of Callander**, slaughtered by Douglas, ii. 423.  
**"Sang Schules,"** the early, iv. 353.  
**Sanquhar**, Lord, iv. 377, nota.  
**Sanquhar**, flight of Mary to, iv. 375—Declaration, league entered into by the signers of it, vii. 234, 236.  
**Sanquhariana**, see *Cameroniana*.  
**Sardica**, Council of, i. 42.  
**Sarum Breviary**, the, vi. 4.  
**Sauchie Burn**, the battle of, iii. 33.  
**Saville**, Sir George, v. 260.  
**Saville**, Lord, document forged by him, vi. 298 et seq.  
**Saws**, ancient flint, i. 116.  
**Saxe**, Marshal, force for invading Britain under, viii. 431.  
**Saxon Chronicle**, the, on the Norman castles and cruelties, i. 432—on the forest laws, 433.  
**Saxons**, mentioned by Ammianus, i. 45, 46—their establishment in Britain, 181—part of Scotland held by them, 278—struggles between them and the Picts, 281—their condition, 432.  
**Sealacronica**, the, iii. 412.  
**Scandinavia** and the sculptured stones, i. 156.  
**Scandinavian mythology**, its introduction into Scotland, i. 222 et seq.—attempts to derive it from Eastern sources, 231.  
**Scandinavians**, attempts to connect the Druidical stones with the, i. 137 et seq.  
**Schiern**, Professor, his work on Bothwell's residence in Denmark, iv. 472, nota.  
**Schivas**, Archbishop of St Andrews, iii. 40.  
**Scholars**, Scots, abroad, iii. 408—the early, 409.  
**Schools**, early establishment of, iii. 399.  
**Science** in Scotland from the Reformation, vii. 97.  
**Seolochs**, the, among the Culdees, i. 399.  
**Scone**, coronation of Malcolm Canmore at, i. 350—of Alexander III., ii. 21—its early importance, 52—assembly of nobles, &c., at, 81—coronation of Balliol at, 156—removal of the Stone of Destiny from, 172—coronation of Bruce, 241—of David Bruce, 309—of Robert II., 343—of James I., 397—of Charles II., vii. 32.  
**Scot**, gradual changes in use of the name, ii. 51.  
**Scotia**, originally refers to Ireland, i. 201.  
**Scotichronicon**, the, its account of Bruce's appearance before Edward, ii. 123, note—its authorship, &c., iii. 414.  
**Scoto-Irish**, the, in the west, i. 278.  
**Scoto-Irish Church**, the early disputes between it and the Roman, i. 267 et seq.—Dr Ebrard's picture of it, 404, nota.  
**Scoto-Irish religious houses** on the Continent, the, i. 407.  
**Scots**, the, first noticed, i. 45, 204—their origin, 201 et seq.—the name, 203—their first settlements, 205—their kingdom, 286—union with the Picts, 294—the Lowland, their character, &c., ii. 182—honours accorded in France, iii. 87—their inexperience in attacking fortresses, v. 122—in England under James VI., 396 et seq.—proclamation against them, 400—numbers in the service of Gustavus, vi. 218.  
**Scots Acts**, the, ii. 96, nota, iii. 99—tampering with them, ii. 373, nota.  
**Scots auxiliaries**, the, in France, ii. 398.  
**Scots cathedrals**, &c., the, i. 418.  
**Scots Church**, superiority over it claimed by the English, ii. 3, et seq.  
**Scots Guard**, the, in France, ii. 398, iv. 23—during the Massacre of St Bartholomew, v. 91.  
**Scots language**, the old, iii. 421 et seq.—its development, viii. 543 et seq.  
**Scots monastery** at Regensburg, the, i. 202, 407.  
**Scots Water**, the Forth so called, ii. 51.  
**Scott of Buccleuch**, iii. 138.  
**Scott**, Sir W., his account of the revels at Kenilworth, v. 364.  
**Scotts**, the, rise of their power, iii. 146.  
**Seougall**, Bishop, vii. 466.  
**Seringeur**, Alexander de, governor of Dundee, ii. 197.  
**Scrogie**, Alexander, vi. 234.  
**Scrope**, Lord, his difficulties regarding Mary, iv. 281—she is removed to his castle at Bolton, 393—invades Scotland, v. 24.  
**Sculpture**, Roman, in Scotland, i. 51—want of, before the Reformation, iii. 436.  
**Sculptured stones**, the, i. 140 et seq.  
**Seafeld**, Lord, Commissioner in 1698, viii. 58—his difficulties, 59—becomes Lord Chancellor in 1702, 79—alleged saying of, on signing the Articles of Union, 177, nota.  
**Seaforth**, Lord, vi. 370—measures against, 1714, viii. 252—in 1715, 259—wounded at Glenshiel, but escapes, 342—forfeited, 348.  
**Secession**, the First, from the Kirk, viii. 402 et seq.—works on it, 403, nota.—constitution into a Church, 408—the Extra-judicial testimony, 45.—the Judicial, 409—final severance from the Kirk, 411—accessions after the Act regarding the Porteous Mob, 412—their reception of Whitfield, 413—denunciation of the "Cambuslang Wark," 414—its subsequent history, 415 et seq.  
**Second Book of Discipline**, the, v. 202 et seq.—it rejected by Parliament, 204.



Second Confession, the, v. 206.  
 Secret or Privy Council, see Privy.  
 Secretary of State for Scotland, office abolished, viii. 347.  
 Sectaries, declarations of the Assembly against, vi. 351.  
 "Security of the kingdom," the Act for, 1703, viii. 92—again passed 1704, 99—debate on it in the English Parliament, 101.  
 Security, the Act of, for the Church, viii. 165 *et seq.*  
 Security Act, the English Church, viii. 191.  
 Sedgemoor, the battle of, vii. 259.  
 Seganius, Abbot of Iona, i. 268.  
 Segrave, John de, ii. 217, 218.  
 Selden, a member of the Westminster Assembly, vi. 389.  
 Selkirk, Lord, Scots Secretary of State in 1731, viii. 347.  
 Semple, Lord, one of the Reformed leaders, iii. 352—at Langside, iv. 372.  
 Semple, Lord, a suspected Popish agent of James VI.'s, v. 287, note.  
 Semple, Colonel, v. 287, note.  
 Sennachie, the Highland, vi. 2.  
 Serfdom, existence of, in Scotland, viii. 520.  
 Serfs, their position under the feudal system, i. 356—ancient laws regarding, ii. 72.  
 Serpent-worship, attempts to connect the stone circles with, i. 138.  
 Servants, hired, ii. 92, note.  
 Service-book, absence of, under Charles II., vii. 196. See under Land.  
 Session, Court of, superseded, vii. 51.  
 Seton, Lord, iii. 200—joins the queen after her marriage, iv. 125—aids her flight to Dunbar, 155—entertains her after Darnley's murder, 198—receives her on her escape, 367—signs the band for her, 377, note.  
 Seton, Alexander, ancestor of the Gordons, ii. 426.  
 Seton, Alexander, one of the Octavians, v. 299.  
 Seton, Christopher and Alexander, execution of, ii. 245.  
 Seton of Pitmedden, his speech in favour of the Union, viii. 150.  
 Seton Castle, the Jacobites at, 1715, viii. 289—occupied by the Royalists, 290.  
 Seton Palace, Queen Mary at, iv. 198.  
 Seton - Gordons, their progress under James IV., iii. 59.  
 "Seven earls," the, ii. 46, note.  
 Severus, his Scots campaigns, i. 38 *et seq.*—his death, 40—his connection with the great wall, 26, 41.  
 Seward, Earl of Northumberland, i. 346.  
 Shaftoe, John, shot after 1715, viii. 331.  
 Shakespeare's *Macbeth*, i. 343, note.  
 Sharp, James, his first appearance, vii. 65—his instructions as agent of the

Presbyterians, 129—his correspondence, *ib.* *et seq.*—negotiations, 131—made archbishop and primate, 134—his treachery, *ib.*—letters to his brethren, 136—danger of his task, 137—further extracts from letters, *ib.*—Burnet's sketch of him, 140—the restoration of Episcopacy, 145—ordained, 148—his character and proceedings, 197—hatred of him, *ib.*—attempt on his life, 199—arrest of Mitchell, 201—a witness on the trial, 202—his murder, 207 *et seq.*—the narratives of it, 216 *et seq.*  
 Sharp, Sir William, brother of the primate, vii. 201.  
 Sharpe, Charles Kirkpatrick, ii. 239, note.  
 Sharpe, Captain, the buccaneer, viii. 45, 46, note.  
 Shaw, governor of Stirling Castle, ii. 33.  
 Shawfield Mob, the, viii. 354 *et seq.*  
 Sheffield Castle, Queen Mary at, v. 248.  
 Sheridan, Sir Thomas, viii. 434.  
 Sheriffmuir, the battle of, viii. 316 *et seq.*  
 Sheriffs or shire-grafts, ii. 53.  
 Shetland Isles, subdued by the Norsemen, i. 305, 319—acquired by Scotland, iii. 9.  
 Shields's "True and Faithful Relation," &c., vii. 275, note—his own sufferings, &c., 276—his account of the prisoners at Dunnottar, 277—his after-life, 279—chaplain to the Cameronian regiment, 326—his motives and views on entering the Establishment, 433—at Darien, viii. 56.  
 Shields, bronze, i. 120.  
 Shipbuilding under James IV., iii. 66 *et seq.*  
 Shipping under Cromwell, vii. 57 *et seq.*  
 Ships of the Norsemen, the, i. 306 *et seq.*  
 Shires or sheriffdoms, ii. 53.  
 Short, John, betrayal of Wallace by, ii. 226, note.  
 "Short Parliament," the, vi. 293, 294.  
 Shrewsbury, Lord, joined to the Council on the casket letters, iv. 445—Queen Mary's keeper, v. 247, 248.  
 Shrewsbury, the Countess of, v. 247.  
 Shrewsbury, battle of, ii. 382.  
 Sibbald, Colonel, vi. 366—John, 235—Sir Robert, vii. 281.  
 Sibbald, Sir Robert, viii. 553.  
 Sibilla, wife of Alexander I., i. 419.  
 Sigurd, Earl of Orkney, i. 320, 321.  
 Sigu, the Norse legend of, i. 226.  
 Silbury Hill, the stone circle at, i. 136.  
 Silures, Tacitus on the, i. 183.  
 Silver, ancient ornaments of, i. 122.  
 Simancas State papers, the, iii. 56, note.  
 Simeon of Durham, the Chronicle of, iii. 412.  
 Simnel, the pretended Richard III., iii. 44.

- Simpson, Sir James, his work on the sculptured stones, l. 167, note.
- Simpson, Robert, vii. 123.
- Simson, Andrew, iii. 401.
- Simson the mathematician, viii. 553.
- Simson, John, the charges of heresy against him, viii. 399 *et seq.*
- Sinclair, Olav, Foud of Zetland, visited by Bothwell, iv. 464, note.
- Sinclair, Oliver, his defeat at Solway Moss, iii. 183—accused of lying in wait for the English ambassador, 225.
- Sinclair, Lord, one of the queen's party, iv. 377, note.
- Sinclair, the Master of, capture of a vessel at Burntisland by, viii. 279—at Sheriffmuir, 314, 315, 319—sketch of Breadalbane by him, 314, note—his account of the battle, 318, note.
- Sinclairs, Earls of Orkney, iii. 11.
- Sir Tristram and Sir Lancelot, authorship of, l. 172, iii. 409.
- Sitones, Pinkerton on the, l. 187.
- Sitric, King of Northumbria, l. 333, 334.
- Skall Bay, silver ornaments found at, l. 124.
- Skene, John, one of the Octavians, v. 299—W. F., l. 172, 178, notes.
- Slaughter, pecuniary compensation for, ii. 63—retention of this system, 65.
- Slavery, Fletcher of Saltoun's advocacy of, viii. 6—views of it prevalent in his time, 7.
- Sletzer, Captain, the work of, viii. 539.
- Smith, Mrs Anne, vii. 358, note.
- Smollett of Bonhill, one of the commissioners for the Union, viii. 117.
- Smuggling, prevalence of, in Scotland, viii. 358—measures against it, 359.
- Society men. *see* Cameronians.
- "Society of Improvers in Agriculture," the, viii. 511.
- Sodor and Man, bishopric of, ii. 29, note.
- Solemn League and Covenant, the, vi. 354.
- Solinus the geographer, use of the name Caledonia by, l. 18, note.
- Solway Moss, the affair of, iii. 183.
- Somerled of Argyle, l. 443, ii. 29—his alleged descendants, 30.
- Somerset, the Duke of, marriage of James I. to his daughter, ii. 397.
- Somerset, the Protector, his invasion of Scotland, iii. 269—the battle of Pinkie, 270 *et seq.*
- Somerset, Thomas, v. 358.
- Somerset, earldom of, conferred on Ker, v. 398.
- Sommerville, Lord, one of the "assured lords," iii. 190—joins Queen Mary after her escape, iv. 367, 377, note.
- Song-music of Scotland, the, vii. 94 *et seq.*
- "Sonnets," the, of the casket documents, iv. 261.
- Sophia, the Electress, v. 390.
- Sorners, Act regarding, ii. 431.
- Soulis, Nicolas de, a claimant of the Scots crown, ii. 124—his grounds, 126.
- Soulis, John de, one of the guardians, ii. 202—capitulates, 224—conspiracy of, against Bruce, 307.
- South, the insurrection of 1715 in the, viii. 290 *et seq.*
- Southesk, Lord, a leader in the rising of 1715, viii. 257, 258, 263—forfeited, 348.
- "Sow," the, a military engine, ii. 280.
- Spain, death of Douglas in, ii. 308—relations with Scotland in the time of James IV., iii. 51 *et seq.*—her position, 53 *et seq.*—alliance with England and Scotland, 56—position toward France and Scotland, 370 *et seq.*—possibilities had Queen Mary escaped to, iv. 379—feeling on the murder of Murray, v. 18—her claims on Darien, viii. 45—seizure of one of the Darien colonists and his crew by, 47—war declared between them, 48—appeal against them to the British Government, 68—the intrigues regarding the succession, 49—hostile preparations against the colonists, 56—their capitulation, 57—threatened invasion by, 1719, 340.
- Spalding, account of ceremonies, &c., at the coronation of Charles I., vi. 91 *et seq.*—character of Huntly, 213—his account of Leslie, 220, note—of Montrose's entry into Aberdeen, 237—and of the seizure of Huntly, 241—of the blue ribbon of the Covenanters, 248, note.
- Spang, W., his work against Land's Service-book, vi. 143, note.
- Spaniards, their colonies and restrictive system, viii. 41.
- Spanish Armada, the, v. 264.
- Spanish blanks, the, v. 291.
- Spear-heads, flint, i. 117—bronze, 120.
- Spence, John, denounced as one of Darnley's murderers, iv. 196—appears at Bothwell's trial, 210.
- Spence of Wormiston, killed, v. 40.
- Spence, tortured, vii. 246.
- Spey, ancient bridge over the, ii. 110.
- Spottiswood, Archbishop, his writings, vii. 80—his account of Rizzio's murder, iv. 152, note—Church discipline exercised toward, 320—on the Gowrie Conspiracy, v. 333 *et seq.*—his pecuniary difficulties, 446—examination of Ogilvie, vi. 11—made Chancellor, 99—letter of Charles I. to, 273—rebuilding of Dairsie Church, vii. 102.
- Spottiswood, Sir R., excepted from indemnity, vi. 239—his execution, 403.
- Sprot, George, his disclosures regarding the Gowrie Conspiracy, trial and execution, v. 416 *et seq.*
- Sprott, G. W., his introduction to the Book of Common Order, iv. 345, note.
- Spyrie, Lord, iii. 451.

- "Squadron Volante," the party called, viii. 111—support the Union, 153—in 1725, 346.
- Stair, Lord, Lord President, his character, vii. 303 *et seq.*—his previous career, 305—attempt of Parliament to displace him, 336—struggle between the Parliament and the Crown regarding him, 338—appointed Lord President, 339—his attempts at judicial reform, 340, 341—on the aversion in Scotland to the English service, viii. 319, note.
- Stair, Lord, remonstrates against the intended descent from France, viii. 278—compels the removal of the Pretender from France, 342.
- Standard, battle of the, i. 438 *et seq.*
- Standing army, attempt of Mary of Lorraine to form one, iii. 287—creation of, vii. 148.
- Stanley, Dean, on vestiges of early Christianity in Scotland, i. 154.
- "Stannin' Stanes," or Standing Stones, i. 135—remains found near them, 143.
- "State," the queen's, iv. 256, 265.
- State papers, the, carried off by Edward I., ii. 136.
- 'Statuta Generalia' of the Scots Church, the, ii. 40.
- Steinkirk, the Cameronians at the battle of, vii. 326.
- Stenness, the stone circle at, i. 133.
- Stephen, King, i. 430—treaty with David of Scotland, 435—war and invasion of England, 436 *et seq.*—battle of the Standard, 439 *et seq.*—treaty, 440.
- Stephen, Professor George, his "Old Runie Monumenta," i. 103, 140, 150, 151, 153, 166.
- Stevenson, R., the engineer, anecdote of, i. 284, note.
- Stewards or Stewarts, the, ii. 344.
- Stewart, Alexander, Earl of Mar, ii. 390 *et seq.*
- Stewart, Alexander, Kirkcaldy's challenge accepted by, v. 44—treachery to Kirkcaldy, 118.
- Stewart, Arabella, her parentage, v. 5—her account of Court amusements, 365.
- Stewart, Dugald, on Dalgarno, vii. 99.
- Stewart, Esmé, Duke, see Lennox.
- Stewart, Esmé, the younger, v. 224.
- Stewart, Francis, see Bothwell.
- Stewart, Harry, iii. 132—marriage to Queen Margaret, 137.
- Stewart, James, afterwards Earl of Murray, see Murray.
- Stewart, James, son-in-law of the Regent Murray, v. 185.
- Stewart, Captain James, executed, vi. 334.
- Stewart, Sir James, vii. 269—the draftsman of the Patronage Act of 1690, vii. 445, note—account of the Opposition in 1700, viii. 62, note—joins the Pretender, 460.
- Stewart, Lady Jane, iv. 62.
- Stewart, Sir Lewis, vi. 198.
- Stewart, Patrick, Earl of Orkney, v. 459.
- Stewart, Robert, see Athole.
- Stewart, Walter, v. 299.
- Stewart, William, executed, v. 10, note.
- Stewart, Captain, v. 176. See Arran.
- Stewart, Colonel, v. 219.
- Stewart, Colonel, governor of Edinburgh Castle in 1715, viii. 275.
- Stewart, Lord Provost of Edinburgh in 1745, viii. 445 *et seq.*
- Stewart of Balloch, commands at Blair Castle, vii. 373.
- Stewart of Grandtully, a subscriber to Darien scheme, viii. 29.
- Stewart, Lord of Lorn, ii. 414.
- Stewart, Treasurer, iv. 208.
- Stewart of Ardvairlich, vi. 24.
- Stewart's, 'Case of the Wigtown Martyrs,' vii. 255, note.
- Stewarts, question of their legitimacy ii. 345—use made of their claims by France, viii. 432.
- Stilicho, aid sent the Britons by, i. 47.
- Stillingfleet, on the history of Scotland, iii. 417.
- Stirling of Keir, imprisoned, vi. 331.
- Stirling, the Earl of, grant of Nova Scotia to, vi. 62 *et seq.*—his poems, vii. 81, 86.
- Stirling, early mention of, ii. 88—one of the Four Burghs, 90—ancient bridge at, 110—Castle, surrendered to the English, i. 448—the battle of, ii. 189 *et seq.*—Castle, capture of, by Edward I. 221, *et seq.*—siege of, by Edward Bruce, 261—Bannockburn fought to prevent its relief, 263—its surrender, 271—re-captured by the Scots, 325—the new buildings of, iii. 25—removal of Queen Mary to, 205—architecture of, 435—baptism of James VI. at, iv. 181—Queen Mary's visit to James VI. at, 215—measures for his removal, 236—his coronation at, 283—execution of Hamilton at, v. 36, 37—Parliament held at, in 1571, 38—attack on it by the queen's party, 39—seized by the Ruthvens, 214—in the hands of the Covenanters, vi. 257—its importance in 1715, viii. 270—attempt on, in 1745, 483.
- Stirling heads, the, iii. 436.
- Stone buildings, early ecclesiastical, i. 248.
- Stone circles, &c., i. 133 *et seq.*
- Stone coffins or kists, i. 105.
- Stone or flint implements, i. 114, *et seq.*—skill shown in their construction, 128.
- Stone, bronze, and iron ages, the theories regarding them, i. 125 *et seq.*
- Stone of Destiny, its removal by Edward I., ii. 172—its proposed restoration, 305.
- Stonehenge, the stones of, i. 136, 137—Arthurian legend regarding, 171.

- Stonehive, dispersion of the Cavaliers at, vi. 230 *et seq.*
- Stones, Druidical, i. 133 *et seq.*—sculptured, 140 *et seq.*
- Stormont, Lord, suspected of complicity with Claverhouse, vii. 298, note—in 1715, viii. 258—in 1745, 442.
- Stow, account of the body of James IV. by, iii. 78, note.
- Strachan, defeat of Montrose by, vii. 5—the leader of the western Whigs, 39.
- Strada, Famianus, iv. 134.
- Strafford, his impeachment, vi. 318—charges in connection with Scotland, *ib.*
- Strathbogie, Huntly's Castle of, iv. 48, 49.
- Strange, Sir R., as an engraver, viii. 538—joins the Pretender, 460.
- Strathallan, Lord, in 1715, viii. 259—in 1745, 475.
- Strathclyde, the Briton State of, i. 183, 279—Christianity introduced, 235 *et seq.*—the capital of, ii. 52—absorbed into Scotland, i. 281.
- Strathmore, Lord, Toleration Act introduced by, 1703, viii. 90—killed at Sheriffmuir, 320.
- Strickland, a follower of the Pretender's, viii. 434.
- Strozzi, Leo, captures St Andrews Castle, iii. 264 *et seq.*—accompanies Queen Mary to Scotland, iv. 18.
- Struthers, W., vi. 112.
- Stuart, Mr., on the symbols on the sculptured stones, i. 148, note.
- Stukely, Dr., attempt to connect Avebury circle with serpent-worship, i. 138, note.
- Succession, the law of, i. 285 and note—early difficulties of, 428—the disputed, ii. 112—letter from the Bishop of St Andrews to Edward, 116—meeting at Norham, 117—address of Edward I., 118 *et seq.*—second meeting, 119—answer of the Scots, 120—the claimants accept King Edward's superiority, 122 *et seq.*—nature of their claims, 126 *et seq.*—appointment of arbiters, 132—re-assembling at Norham, 141—the law, 142 *et seq.*—decision, 145 *et seq.*—the pleadings in favour of the claimants, 146 *et seq.*—final judgment, 154—its adjustment in the time of Bruce, ii. 273—power assumed by the Romish Church in questions of, iii. 316—the order of, adherence to it, 389—the English Act of, accepted by Scotland, viii. 119.
- Succession Act of 1681, the, vii. 241.
- Suderies, or South Hebrides, the, ii. 28.
- Suetonius, reference to Druidism by, i. 214.
- Suffolk, the Earl of, iii. 210.
- Sunday, regulations regarding, vi. 55.
- Superintendents office of the, iv. 327.
- Superiority, the claim of, revived by Henry VIII., iii. 181—its revival proposed by Cecil, 350—revived at the York Commission, v. 42—claims of England, the long struggle caused by them, viii. 2.
- Superstitions, prevalent in Scotland, vii. 113 *et seq.*
- "Supplicants," the, against Land's Service-book, vi. 160 *et seq.*—their tone, 161, 164—proclamations against them, 165—gathering at Edinburgh, *ib.* 167—measures to secure the Town Council, 167—united supplication, 168—proceedings of the Council, *ib.* *et seq.*—the Tables, 170 *et seq.*—their demands, 175—protestation issued, *ib.* *et seq.*—their protestation at Stirling, 178 *et seq.*—signing of the Covenant, 183. See thereafter Covenanters.
- "Supplication" of 1633, the, vi. 87, 89 *et seq.*—its history and reception, 94—that on the Service-book, 144, note—the united, 168.
- Surrey, Earl of, appointed guardian, ii. 178—measures against Wallace, 185—his defeat at Stirling, 189 *et seq.*—his flight, 191.
- Surrey, the Earl of, victory at Flodden, iii. 76—dispersion of his army, 84—account of Dacre's inroad, 103—on the position, &c., of James V., 119.
- Sussex, Lord, a member of the commission, iv. 431—on the casket letters, &c., 447, note—letter to Cecil, 462, note—on the position of the Hamiltons, v. 5—invansion of Scotland, 24—his difficulties, 25—interview with Leslie, 103.
- Sutherland, the Earl of, iv. 11—signs the band for the queen, 377, note.
- Sutherland, strength of the Covenanters in, vi. 205.
- Swein Castle, iii. 57.
- Sweyn, King of Denmark, i. 374.
- Swinton, Sir John, ii. 379.
- Switzerland, the lake-dwellings of, i. 89.
- Swords, ancient bronze, i. 119.
- Sydney, Sir H., vi. 26 and note.
- Sympson, a member of the Westminster Assembly, vi. 388.
- Tables, formation, constitution, &c., of the, vi. 170 *et seq.*—mode of their action, 172 *et seq.*—discussion with the Council, 175—proclamation and protestation, 179 *et seq.*—measures to secure adherents, 204—complain of seizure of their munitions of war, 206—measures to regulate the elections for the Assembly, 225.
- Tacitna, his Life of Agricola, i. 2—its object and leading characteristics, 9 *et seq.*—the name Caledonia first used by him, 17—the Orcades of, 20—on the underground winter-dwellings of the Germans, 190—his account of the

- Caledonians, &c., 183 *et seq.*—his reference to the Druids, 211, 214—history of a revolted German cohort from, 300.
- Talbot, lands in Scotland claimed by, ii. 314—a member of Edward Balliol's Parliament, 319.
- Tally system, its introduction into Scotland, viii. 209.
- Tamworth, English ambassador, iv. 124.
- Tanist, the early title of, i. 348.
- Tantallon, defence of, by Angus, iii. 139—its capture, 141—held against Hertford, 235—attempt of Mary of Lorraine to get possession of, 287—its architecture, 433.
- Tapuc, ancient remains on the, i. 96 and note.
- Tarbet Castle, iii. 57.
- Tartan, first representations of, viii. 530.
- Taus of Tacitus, the, i. 3, note.
- Taverns, ancient laws regarding, ii. 107.
- Taxation, adjustment of, by the Act of Union, viii. 120 *et seq.*—difficulties regarding, in 1724, 352.
- Taxes under the feudal system, the, i. 363—new system of collecting after the Union, and dissatisfaction caused by it, viii. 209.
- Tay, the, did Agricola penetrate to? i. 3, note.
- Teinds or tithes, mode of levying, iii. 323 *et seq.*
- Temporalities of the Church, dissensions regarding them, iv. 36.
- Terregles, flight of Mary to, iv. 375.
- Test Act of 1681, the, vii. 242—re-enacted, 264—the University, of 1690, vii. 447.
- Tests, proposed extension of system of, viii. 167.
- Toulet, Alexandre, his skill as an archaeologist, iv. 467.
- Teutonic and Celtic races, division between, ii. 389.
- Teviotdale, restored to Scotland, ii. 350.
- Thanage and Thane, what, ii. 55.
- Theft, ancient laws regarding, ii. 66.
- Theobalds, James VI. at, v. 369 *et seq.*
- Theodosius, deliverance of London by, i. 46.
- Thermes, De, capture of Broughty Castle by, iii. 278.
- "Thirds of benefices," the appropriation of, iv. 39—Act regarding, 324.
- Thirty Years' War, Scots soldiers engaged in it, vi. 218 *et seq.*
- Thomas of Erildoun, iii. 409.
- Thomas, cousin of Buchanan, v. 211.
- Thomson, James, his works, viii. 546.
- Thor, Norse legends connected with, i. 229, 230.
- Thorin, Earl of Orkney, i. 321.
- Thorkil, a Norseman, murder of Einar by, i. 321.
- Thorpe, William, account of an inquisition into heresy by, iii. 302, note.
- Thralls, ancient laws regarding, ii. 72.
- Throckmorton, interviews with Queen Mary in France, iv. 13 *et seq.*—ambassador to her, 42—his reception, 113—character of Bothwell, 173—reference to the casket letters, 264, 278—on the policy of Murray, 280, note—Murray's account to him of the interview at Lochleven, 287—his account of the reception of the French ambassador, 291—and of the non-probability of French intervention, 293 *et seq.*—his instructions, 296—his difficulties, 297—refused access to Mary, 298—fresh instructions, 300—on the danger of English interference 303 *et seq.*—on the schemes of the Hamiltons, 304 *et seq.*—conversation with Tullibardine, 305.—and with Lethington, 305—appeals regarding Queen Mary's danger, 306—alarmed for his own safety, 307—his withdrawal urged, 308—interviews with Murray, 309 *et seq.*—announcement of Murray's policy, 312 *et seq.*—result of his negotiations with the Hamiltons, 313 *et seq.*—his recall, 314—Murray's answer as to proceedings in the event of Bothwell's capture, 315—his last interview with the confederates, 315—on Murray's administration, 356—on the queen's refusal to be divorced from Bothwell, 363—report on the Hamiltons, 370, note.
- Thule of Tacitus, i. 21.
- Thumbkin, the torture of the, vii. 175.
- Tieburne, Alderman, vii. 52.
- Tinchel at Braemar in 1715, viii. 257.
- Tippermuir, battle of, vi. 366.
- Tithes, origin of, in Scotland, i. 417.
- Tithes in kind, the, in Scotland, vi. 79—their commutation, 81 *et seq.*
- "Titulars of the teinds," the, vi. 79.
- Tixall, removal of Mary to, v. 251.
- Todd, Dr. his life of St Patrick, i. 69, note—on the Co-arb, 242, note.
- Toleration, denounced by the Presbyterians, vii. 66—Act introduced into the Estates of 1703, viii. 90.
- Tomasl, Cardinal, ii. 5.
- Tonsure, dispute regarding the, i. 272.
- Torfin, first wife of Malcolm Canmore, i. 351.
- Torphichen, one of the favourites of James III., executed, iii. 27.
- Torture, employment of, against the Covenanters, vii. 175—last employment of, in Scotland, 349.
- Torwood, the, ancient remains in, i. 96.
- Toshachs, a class of northern chiefs, ii. 56.
- Touraine, the dukedom of, conferred on a Douglas, ii. 417.
- Towie Castle, the tragedy of, v. 69.
- Townley, Major, joins the Pretender, viii. 466—left at Carlisle, and captured there, 476.

- Trade, state of, to the Reformation, iii. 438—under Cromwell, vii. 56.  
 Trade-stamps, Roman, found in Scotland, i. 56.  
 Trading communities, their privileges, ii. 93.  
 Trandson, Anna, claims Bothwell as her husband, iv. 469.  
 Tranent, Roman remains near, i. 57—Queen Mary at, iv. 199.  
 Traquair, the Earl of, procures Balmerinoch's pardon, vi. 98—attacked by the mob, 166—proposals to the supplicants, 177—mission to the king, 178—commissioner to the Assembly, 271—his instructions, 274—at the Ripon conference, 312—excepted from indemnity, 329.  
 Treason, new law of, introduced into Scotland, viii. 214—opposition to it, 215—failure of attempts to secure convictions for, in Scotland after 1715, 337.  
 Trent, the Council of, iii. 332.  
 Trespass, the laws of, iii. 396.  
 Trials, abortive, in Scotland after 1715, viii. 337.  
 Trinkets and ornaments, ancient, i. 121.  
 Triremes of the ancients, the, i. 307.  
 Trivet, the chronicle of, iii. 412.  
 "Trot of Turriff," the, vi. 245 *et seq.*  
 "Trustees" for the Pretender, the, viii. 343.  
 Tubacanti, victory of the Darien colonists at, viii. 57.  
 Tucker, T., his report on excise, &c., vii. 56 *et seq.*  
 Tudor architecture, wanting in Scotland, iii. 431 *et seq.*  
 Tulchan bishops, the, v. 81.  
 Tullibardine, the Laird of, iv. 237, 245—conversation regarding the Hamiltons, 304.  
 Tullibardine, Lord, Lord Privy Seal in 1702, viii. 80—joins Mar in 1715, 258—commands the rising in 1719, 341—his escape, 342—forfeited, 348—accompanies Charles Edward to Scotland, 434, 438.  
 Tumuli, remains, &c., in, i. 126, note.  
 Turgot's life of St Margaret, i. 381—consecrated Bishop of St Andrews, 420—his death, 422.  
 Turnberry Castle, attempt of Bruce on, ii. 249.  
 Turner, Sir James, on the atrocities of the Irish, vi. 342—exactions, &c., against the Covenanters, vii. 169—captured by them, 171.  
 Turner, Robert, a vindicator of Queen Mary, iv. 470.  
 Turriff, Montrose checks the Gordons at, vi. 236—dispersion of the Covenanters at, 245 *et seq.*  
 Turston, Archbishop of York, i. 436, 437.  
 Tutbury, Mary at, v. 248, 249.  
 Tutor of Bunby, the, his murder, ii. 423.  
 Tweed, early bridge over the, ii. 95—passage of it by the Covenanters, vi. 301.  
 Tweeddale, the Marquis of, his reception on presenting address for the Darien Company, viii. 60—the Security Act introduced by, 92—Commissioner in 1704, 99—a leader of the Squadrone, 111—the last Scots Secretary of State, 347.  
 Twenge, Sir Marmaduke de, at the battle of Stirling, ii. 191—Bruce's courtesy to, 270.  
 Twiss, Dr, President of the Westminster Assembly, vi. 380.  
 'Twopenny Faith,' the, iii. 334 and note.  
 Tylney, Emery, account of Wishart by, iii. 251, note.  
 Tyndrum, defeat of Bruce at, ii. 249, 251.  
 Tyne, Roman bridge over the, i. 25—its passage forced by the Covenanters, vi. 303.  
 Tynedale, terms under which held by the Scots king, ii. 9.  
 Tyrie, James, a Popish agent, v. 292, vi. 5.  
 Tytler, P. F., his views as to Queen Mary, iv. 444, note.  
 Ulster, migrations of the Highlanders into, vi. 26 *et seq.*—plantation, 71.  
 Umfraville, Gilbert d', ii. 133—lands in Scotland claimed by, 314.  
 Union of England and Scotland, the project for, in the time of James VI., v. 401 *et seq.*—appointment of commissioners, 402—the arguments against it, 404 *et seq.*—the project dropped, 407—steps toward, under Cromwell, vii. 51 *et seq.*—commissions for, after the Restoration, 185—views of William III. regarding, 331—of 1707, as an epoch in Scots history, viii. 1 *et seq.*—its historical significance and importance, 2 *et seq.*—necessity for it increasingly manifest, 64—address of the king on it, 46—motion in the Lords, 65—thrown out in the Commons, 66—renewed appeal of the king on it, 46—Queen Anne's address on it on her accession, 81—commission appointed, 46—the question of equal trading privileges, 46—discussion and difficulties about this, 82—commission dissolved, 83—necessity for it forced on England, 101—bill for it prepared in Parliament, 103 *et seq.*—power given to appoint commissioners, 104—draft of the treaty in the Scots Parliament, 114—debate on the appointment of commissioners, 115—their selection, 116 *et seq.*—mode of procedure arranged, 118—the articles and discussions on them, 119 *et seq.*—acceptance of the English Act of Succession, 119—taxation, 120 *et seq.*—the "Equivalent," 123 *et seq.*—*per*

- sence of the queen at the discussions, 127—the Admiralty, 128—number of representatives for Scotland, *ib. et seq.*—and of peers, 130—miscellaneous arrangements, coinage, &c., 131—the African Company and the Equivalent, 132 *et seq.*—legal regulations, 133 *et seq.*—close of the commission, 135—the Treaty to be first submitted to the Scots Parliament, 136—excitement against it throughout the country, 137—pamphlets, &c., against it, 138—the debates in the Estates, 142 *et seq.*—the riot in Edinburgh, 143 *et seq.*—first proclaimed against it, 145—continued debates, 149 *et seq.*—proposed address, and its failure, 164—the Act passed, 178—the alleged charges of bribery in connection with it, *ib. et seq.*—the debates on it in the English Parliament, 189 *et seq.*—manœuvre by which carried, 194 *et seq.*—the royal assent given to it, 197—first difficulties after it, 207—motion in 1712 for its dissolution, 248.
- Universities, the Scots, *iii.* 402—specialties of them, *ib.*—modelled on those of France, 404—their privileges and exemptions, 405—their influence, 406—Knox's warning regarding them, *v.* 77—measures with regard to the, after the Revolution, *vii.* 447.
- University, the original conception of it, *iii.* 402 *et seq.*
- University Test Act of 1690, *vii.* 447.
- Urns, burial, found in Scotland, *i.* 105—their era, 108.
- Urry or Hurry, General, defeated by Montrose, *vi.* 371.
- "Usages," the, in the Scots Church, dissensions regarding, *viii.* 421 *et seq.*
- Uttoxeter, the treaty of, *vi.* 418.
- Valence, Aymer de, *ii.* 243.
- Valentia, the province of, *i.* 47—alleged birth of St Patrick in, 68.
- Valhalla or Wælheal of the Norsemen, the, *i.* 224.
- Vane, Sir Harry, account of the affair with Lord Holland by, *vi.* 264, note—a member of the Westminster Assembly, 389.
- Vane, the younger, one of the Union commissioners, *vii.* 52.
- Vans, John, schoolmaster of Aberdeen, *iii.* 401.
- Vauban system of fortification, the *v.* 123.
- Vecturions, a branch of the Picts, *i.* 45.
- Venet, the ships of the, *i.* 303, note.
- Vernay, Sir Edward, *vi.* 266.
- Verneuil, extermination of the Scots mercenaries at, *ii.* 398.
- Vesci, William de, a claimant of the Scots crown, *ii.* 124—his grounds, 126.
- Vienne, John de, force sent into Scotland under, and Fruissart's history of it, *ii.* 352 *et seq.*—invades England, 353 *et seq.*—treatment of his troops, 355 *et seq.*
- Viking, origin of the name, *i.* 299, note.
- Vikings, the, see Norsemen.
- Villemore, promoted by Mary of Lorraine, *iii.* 286.
- Villeroy, M. French ambassador, *iv.* 291.
- Vindobala, supposed modern name of, *i.* 20, note.
- Vitres or Veteres, identified with Odin, *i.* 217, 222 note.
- Vitrified forts of Scotland, the, *i.* 86.
- Vopiscus, references to the Druids by, *i.* 213, 214.
- Vortigern, traditional history of, *i.* 169, 170.
- Wade, General, *viii.* 354—suppresses the Shawfield mob, 355—report on the disarming of the Highlanders, 367 *et seq.*—his military roads, 369—Edinburgh Castle repaired by, 445—forces under, in 1745, 469—movements in pursuit, 475—skirmish at Clifton, 476, 478.
- Wælheal of the Norsemen, *i.* 224.
- Wager of battle, law of, *ii.* 66 *et seq.*
- Wake, Thomas, Lord, *i.* 312.
- Wales, sculptured stone found in, *i.* 159, note—the Britons shut up in, 182—Britons from Strathclyde in, 281.
- Wall, the Roman, see Roman.
- Wallace, first appearance of, *ii.* 179—his probable origin, &c., *ib.*—the traditions regarding him, 180, and note—his abilities, 181—native and English characters of him, 182—first collision with the English, 183—attack on Ormsby, 184—measures to resist the English, 188—battle of Stirling, 189 *et seq.*—his organisation of the country, 193 *et seq.*—communications to Lübeck and Hamburg, 194—invasion of England, 195—his conduct during it, 196—guardian of the kingdom, 197—his difficulties, 198—invasion by Edward, *ib.*—battle of Falkirk, 200—his disappearance from public life, 201—traces of visit to France, 202—said to have commanded at Roslin, 218—excepted from mercy, 225—his movements, &c., *ib.*—captured, 226—his trial and execution, 227 *et seq.*—effects of his death, 229.
- Wallace, Sir W., at Killiecrankie, *vii.* 381.
- Wallace or Fian, Adam, executed for heresy, *iii.* 299.
- Wallace, Colonel, heads the Covenanters at Rullion Green, *vii.* 172.
- Walpole, Sir R. measures against the insurrection of 1715, *viii.* 264—modification of the bill regarding the Porteous Mob, 366—hatred of Grange to, 391.
- Walsingham, the Chronicle of, *iii.* 412.
- Walsingham, ambassador after Ruthven's fall, *v.* 212—his plot to entrap Queen



- Mary, 251 *et seq.*—his letter counselling her secret assassination, 257.
- Walters, Lucy, the mother of Monmouth, vii. 258.
- Waltheof, Earl of Northumberland, i. 427.
- Wanlockhead, lead early worked in, iii. 445.
- "Wardholding," abolition of, viii. 504.
- Wardlaw, Cardinal, ii. 348.
- Warrenne, Earl of Surrey, Guardian of Scotland, ii. 178—measures against Wallace, 185—his defeat at Stirling, 189 *et seq.*—his flight, 191.
- Wars of the Roses, the, their effect, ii. 432.
- Warwick, the Earl of, at Pinkie, iii. 270—*one of the Council on the casket letters*, iv. 445.
- Wat, John, v. 311.
- Watling Street, its course, i. 25.
- Watson William, his conduct regarding the Gowrie Conspiracy, v. 339—*discussion with the king on it*, 340.
- Wattles, the early churches, &c., built of, i. 249.
- Wealth, indications of, before the great war, ii. 111.
- Weapons, ancient, i. 114.
- Wedderburn, the Laird of, the murder of De la Bastie by, iii. 92.
- Wedderburn, Bishop of Dunblane, letter from Laud to him, vi. 130, 133, 141, notes.
- Wedderburns, the, their book of Godly Songs, &c., iv. 350.
- Weems, John, vi. 272.
- Weems or earth-houses, i. 98 *et seq.*
- Weights and measures, regulation of, ii. 400—*uniform, introduced by the Union*, viii. 131.
- Weird, origin of the word, i. 227.
- Welch, John, tried as one of the leaders of the High Presbyterian party, v. 435.
- Welch, John, vii. 79—*joins the Covenanters*, 229—*his character and previous life*, 230 *et seq.*
- Weldon, Sir Anthony, account of pageant before James VI., v. 365—*sketch of the king by him*, 374—*account of him*, 376, note—*his 'Perfect Description of Scotland'*, 397.
- Welsh chronicles, notices of Strathclyde in the, i. 279—*romances*, 172.
- Wemyss, Lord, vi. 152.
- Werk Castle, captured by James IV., iii. 75—*repulse of Albany before*, 107.
- West Kilpatrick, termination of the wall of Antonine near, i. 34.
- Western counties, predominance of the Covenanting element in, after the Revolution, vii. 446.
- Western Isles, their social condition under James VI., vi. 30, note—*attempts at their plantation*, 37.
- Westerwood fort, i. 34, note.
- Westminster Assembly, the, vi. 376—*its constitution*, 380 *et seq.*—*the members and Scots commissioners*, 380—*discussion on the Covenant*, 385 *et seq.*—*views of the Presbyterians*, 386—*and of the Parliament*, 387—*the Independents*, *ib.*—*the Erastians*, 388—*influence of the Scots commissioners*, 389—*discussion on lay elderahip*, 390—*opposition of Parliament*, 392—*the Directory for Public Worship*, *ib.* *et seq.*—*the Parliamentary queries*, 394—*the metrical Psalms*, 398 *et seq.*—*the Confession of Faith and Catechisms*, 401.
- Westminster Hall, trial of Wallace in, ii. 227.
- Westmoreland, Lord, joined to the Council on the casket letters, iv. 445—*sheltered by the Borderers*, v. 22.
- Westmoreland ravaged by the Scots under Wallace, ii. 195.
- Wex, Carl, on the Taus of Tacitus, i. 3, note—*correction of the "Gramplus" of Tacitus by*, 16 and note.
- Wharton, Sir T., opposes invasion of Scotland, iii. 210—*conference with the Laird of Buccleuch*, 237—*his account of the surrender of Caerlaverock*, 245—*raid under*, 274—*on the gold of Scotland*, 445.
- Wharton, account of Laud's Liturgy by vi. 131, note.
- Whig, first use of the term, vi. 419.
- "Whigamores' Raid," the, vi. 419.
- White, N., character of Mary by, iv. 385.
- White Caterthun, the hill-fort of, i. 84.
- Whitekirk, church of, ii. 336.
- Whitelaw, captain of the Castle of Dunbar, iv. 236.
- Whitelocke, a member of the Westminster Assembly, vi. 380.
- Whitfield, his visit to Scotland and reception there, viii. 413—*at Cambuslang*, 414.
- Whithorn, church at, i. 42.
- Wicker-work ornamentation on the sculptured stones, the, i. 155.
- Widdrington, Lord, in arms in 1715, viii. 300—*his trial*, 334—*not executed*, 336.
- Wightman, General, forces under, 1714, viii. 251—*and in 1715*, 270—*pursuit of MacIntosh by*, 290—*at Sheriffmuir*, 317—*suppresses the attempt of 1719*, 341 *et seq.*
- Wigtown martyrs, the, vii. 253 *et seq.*
- "Wild Western Whigs," the Cameronians so called, vii. 310.
- William the Conqueror, his efforts to subdue Northumbria, i. 373—*transactions with Scotland*, 374 *et seq.*—*his forest laws*, 433.
- William the Lion, his accession, i. 444—*his supposed armorial bearings*, *ib.* and note—*invades England*, 446—*taken prisoner*, *ib.*—*treaty of Falaise*, 447—*released from it by Richard I.* ii. 9—